

II.A.1.b. Operator

The facility operator is Clean Harbors PPM, LLC, hereinafter referred to as the Permittee.

II.A.1.c. Location

The Clean Harbors PPM, LLC, facility is located in Montgomery County at Coffeyville Industrial Park, 2474 Highway 169 North, Coffeyville, Kansas. A facility location map is attached as Figure 1.

II.A.1.d. Description

The Facility is a commercial hazardous waste storage facility. Hazardous wastes will be stored in containers in a single hazardous waste container storage area. The facility is also a commercial facility for polychlorinated biphenyls storage and treatment as well as decontamination items containing or contaminated with polychlorinated biphenyls.

II.B. EFFECT OF PERMIT

The Permittee is authorized to store hazardous waste in the hazardous waste management unit(s) authorized by and operated in accordance with Part I subject also to the requirements of Part II. Any storage, treatment and/or disposal of hazardous waste not authorized in Part I is/are prohibited. Part II consists of the conditions contained herein, including those in any attachments thereto; the application; and the applicable regulations contained in 40 C.F.R. Parts 124, 260 through 264, 268, and 270. Applicable regulations are those which are in effect on the date of issuance of this Permit. The Permittee remains subject to any regulations governing activities not covered by Part II, for example, those regulations to which hazardous waste generators are subject.

1. Subject to 40 C.F.R. §270.4, compliance with Part II during its term constitutes compliance, for purposes of enforcement, with those portions of Subtitle C of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) included in Part II, except for those requirements not included in Part II which:

- a. Become effective by statute;
- b. Are promulgated under 40 C.F.R. Part 268 restricting the placement of hazardous wastes in or on the land;
- c. Are promulgated under 40 C.F.R. Part 265, Subparts AA, BB, or CC limiting air emissions; or

- d. Are promulgated such that the requirement becomes effective for facilities with RCRA permits.
2. The issuance of Part II does not convey any property rights of any sort, or any exclusive privilege.
3. The issuance of Part II does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.
4. Compliance with the terms of Part II does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA, 42 U.S.C. §§ 6928(a), 6928(h), 6934, and 6973, Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

II.C. PERMIT ACTIONS

II.C.1. Permit Modification, Revocation and Reissuance, and Termination by EPA

If at any time the EPA determines that modification, revocation and reissuance or termination of Part II is necessary, the EPA may initiate a modification to Part II, revocation and reissuance of Part II or termination of Part II in accordance with 40 C.F.R. §270.41 and 270.43. The initiation of a modification to Part II, revocation or reissuance of Part II, or termination of Part II does not stay the applicability or enforceability of any Part II Condition.

II.C.2. Modification of the Permit by the Permittee

Pursuant to the provisions of 40 C.F.R. §270.42, the Permittee may request a modification of Part II at any time. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Part II Condition. Modifications to Part II do not constitute a reissuance of Part II.

II.C.3. Permit Modification Correspondence File

The Permittee shall maintain a file that contains all correspondence relating to modifications made pursuant to Part II Conditions II.C.1 and II.C.2. This correspondence file shall be available for review by EPA or its designated representative(s) and the public. Note that the file shall be made available during normal business hours.

- a. The Permittee shall reference the availability of this file in all notices made regarding permit modifications and include a contact person in order to view the file.
- b. The Permittee shall include in the correspondence file all modification requests, copies of all permit modification notices sent out, the current permit modification mailing list, and all correspondence from EPA regarding modification requests.

II.C.4. Permit Expiration

II.C.4.a. Permit Duration

Pursuant to 40 C.F.R. §270.50, Part II shall be effective for a fixed term not to exceed ten (10) years. Except as provided in Part II Condition II.C.4.b below, the term of a permit shall not be extended by modification beyond the maximum term of ten (10) years. The Director may issue a permit for durations of less than ten (10) years or may grant a permit modification to allow earlier permit termination.

II.C.4.b. Continuation of Expiring Permits

- i. Part II, and all conditions herein, will remain in effect and continue in force under 5 U.S.C. §558(c) until the effective date of a new permit if:

- (1) The Permittee has submitted a timely, complete permit application under 40 C.F.R. §270.14 and the applicable sections in 40 C.F.R. §§270.15 through 270.29 and 40 C.F.R. §270.10(c); and

- (2) The Director through no fault of the Permittee, does not issue a new Part II with an effective date under 40 C.F.R. § 124.15 on or before the expiration date of the previous Part II.

- ii. Part II continued under this permit condition remain fully effective and enforceable.

- iii. Part II is continued if any of the requirements of Part II Condition III inclusive of all investigations and/or corrective measures remain to be completed including any and all long term

operation, maintenance, monitoring, reporting or institutional controls.

II.C.4.c. Enforcement

If the Permittee is not in compliance with the conditions of the expiring or expired Part II, the Director may choose to do any or all of the following:

- i. Initiate enforcement action based upon the Part II which has been continued;
- ii. Issue a notice of intent to deny the new Part II under 40 C.F.R. § 124.6. If the new Part II is denied, the Permittee shall cease the activities authorized by the continued Part II or be subject to enforcement action for operating without a permit;
- iii. Issue a new Part II under 40 C.F.R. Part 124 with appropriate conditions; or
- iv. Take other actions authorized by RCRA.

II.C.4.d. Continuance of Part II upon State Authorization

In the event that the KDHE receives hazardous waste program authorization under 40 C.F.R. Part 271 for any or all of the HWSA conditions in Part II after the effective date of Part II and if the Permittee submits a timely and complete application under applicable State law and regulations, the affected HWSA terms and conditions of Part II shall continue in force beyond the expiration date of Part II, but only until the effective date of the KDHE's issuance or denial of a complete RCRA Hazardous Waste Permit.

II.C.5. Part II Renewal

Part II may be renewed as specified in 40 C.F.R. §270.30(b) provided a new permit application is submitted in accordance with Part II Condition II.E.2. The Permittee shall apply to renew Part II by submitting a new permit application in accordance with Part II Condition II.E.2 if any of the requirements of Part II Condition III inclusive of all investigations and/or corrective measures remain to be completed including any and all long term operation, maintenance, monitoring, reporting or institutional controls. Review of any application for Part II renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

II.C.6. Appeal of Part II

Part II may be appealed pursuant to the provisions of 40 C.F.R. § 124.19(a), which provides as follows:

a. Within thirty (30) days after a final Part II decision has been issued under 40 C.F.R. § 124.15, any person who filed comments on the draft Part II or participated in the public hearing may petition the Environmental Appeals Board, in writing, to review any condition of the Part II decision. Any person who failed to file comments or failed to participate in the public hearing on the draft Part II may petition for administrative review only to the extent of the changes from the draft to the final Part II decision. The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

- i. A finding of fact or conclusion of law which is clearly erroneous, or
- ii. An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

II.D. SEVERABILITY

The provisions of Part II are severable, and if any provision of Part II, or the application of any provision of Part II to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of Part II shall not be affected thereby.

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

The Permittee shall comply with all conditions of Part II, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Part II noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Part II termination, revocation and reissuance, or modification; and/or for denial of a Part II renewal application.

II.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by Part II after the expiration date of Part II, the Permittee shall submit a complete application for a new Part II at least 180 days prior to Part II expiration. The Permittee shall also reapply for Part II if any investigations and/or corrective measures remain to be completed including any long term operations, maintenance, monitoring, reporting or institutional controls.

II.E.3. Part II Expiration

As set forth in 40 C.F.R. §270.51(a), unless revoked or terminated, Part II shall be effective for a fixed term not to exceed ten (10) years, except that, as long as EPA is the Part II authority, Part II and all conditions herein will remain in effect beyond the Part II's expiration date, if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the EPA has not issued a new Part II.

II.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of Part II.

II.E.5. Duty to Mitigate

In the event of noncompliance with Part II, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

II.E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the Permittee to achieve compliance with the conditions of Part II. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of Part II.

II.E.7. Duty to Provide Information

Within thirty (30) days of a request for information from the Director, or such other time as approved by the Director, the Permittee shall furnish to the Director any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating Part II, or to determine compliance with Part II. The Permittee shall also furnish to the Director, within thirty (30) days of request, copies of records required to be kept by Part II.

II.E.8. Inspection and Entry

- a. Pursuant to 40 C.F.R. §270.30(i), the Permittee shall allow the EPA, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:
 - i. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of Part II;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of Part II;
 - iii. Inspect, photograph, and/or record (audio and/or visual), at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under Part II; and
 - iv. Sample or monitor, at reasonable times, for the purposes of assuring Part II compliance or as otherwise authorized by RCRA, any substances or parameters at any location.
- b. Notwithstanding any provision of Part II, EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

II.E.9. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample to be analyzed must be the appropriate method from Appendix I of 40 C.F.R. Part 261 or an equivalent method approved by the EPA. Laboratory methods shall be in accordance with the Methods Innovation Rule.

b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 C.F.R. §264.73(b)(9), and records of all data used to complete the application for Part II through the term of Part II or for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application; whichever is longer. These periods may be extended by request of the EPA at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. The Permittee shall maintain all records from all ground water monitoring wells and associated ground water surface elevations until released from this requirement by EPA.

c. Pursuant to 40 C.F.R. §270.30(j)(2) and (3), records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individuals who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

d. The Permittee shall ensure its analytical data meet the Data Quality Objectives (DQOs) in the Quality Assurance Project Plan (QAPP).

II.E.10. Reporting Planned Changes

The Permittee shall give thirty (30) days advance notice to the EPA of any planned physical alterations or additions which may affect any hazardous waste management units, solid waste management units, areas of concern, contaminated media or debris, or existing institutional or engineering controls.

II.E.11. Reporting Anticipated Noncompliance

a. The Permittee shall give at least thirty (30) days advance notice to the EPA prior to any planned changes in the facility or other activity

which may result in noncompliance with Part II. Examples of such changes or activities include, but are not limited to, shutdown, construction or modification of new or existing units for the treatment, storage, or disposal of hazardous waste.

II.E.12. Certification of Construction

For a new hazardous waste management unit, the Permittee may not treat, store, or dispose of hazardous waste in the unit; and for a hazardous waste management unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the unit except as provided in 40 C.F.R. §270.42, until the Permittee has submitted to EPA, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the hazardous waste management unit has been constructed or modified in compliance with Part II; and

- i. The EPA has inspected the modified or newly constructed unit and finds it is in compliance with the conditions of Part II; or
- ii. The EPA has either waived the inspection or has not notified the Permittee within fifteen (15) days of EPA's intent to inspect.

II.E.13. Monitoring Reports

If required, monitoring results shall be reported at the intervals specified elsewhere in Part II.

II.E.14. Reports of Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of Part II shall be submitted no later than fourteen (14) days following each scheduled date.

II.E.15. Transfer of Part II

- a. Before transferring ownership or operation of the Facility or any part of the Facility, the Permittee shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270 and Part II. At least ninety (90) days prior to the anticipated date of transfer, the new owner and/or operator shall submit to the EPA a certification that the new owner or operator has read Part II, understand the Part II requirements and will comply with the terms and conditions herein. If the property transfer involves subdividing the property to more than one

owner or operator, a map and legal description shall be provided to the Director that identifies the properties to be occupied by each new owner.

b. An owner or operator's failure to notify the new owner or operator of the requirements of Part II in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

c. Part II will be modified or revoked and reissued in accordance with 40 C.F.R. §270.40(b) or 270.41(b)(2) respectively. The Director may incorporate such other requirements as may be necessary under RCRA as part of the modification to Part II.

d. In order to transfer the Facility or any part of the Facility, the new Owner and/or Operator shall submit a revised permit application no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II responsibility between the Permittee and new Permittee(s) must also be submitted no later than ninety (90) days prior to the scheduled change in ownership and/or operational control.

e. Whenever Part II is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of 40 C.F.R. Part 264, Subpart H, (Financial Requirements) until the new Permittee has demonstrated compliance with the requirements of same. The new Permittee shall demonstrate compliance with 40 C.F.R. Part 264, Subpart H, within six (6) months of the date of the transfer of Part II. Upon the new Permittee's demonstration of compliance with 40 C.F.R. Part 264, Subpart H, the Director shall notify the old Permittee of any remaining 40 C.F.R. Part 264, Subpart H, requirements.

f. Whenever Part II is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of Part II Condition III.R, until such time as the new Permittee has demonstrated compliance with these requirements. The new Permittee shall demonstrate compliance with the requirements of Part II Condition III.R within six (6) months of the date of the transfer of Part II. Upon the new Permittee's demonstration of compliance with Part II Condition III.R, the Director shall notify the old Permittee of any remaining financial assurance requirements.

g. In the case of bankruptcy of the Permittee pursuant to Title 11 of the United States Code, the bankruptcy Trustee shall provide the required notices to the Director and shall ensure the new Owner and/or Operator submits a revised permit application no later than ninety (90) days prior

to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of permit responsibility between the Court and/or the old Permittee and new Permittee(s) must also be submitted no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. The new Permittee shall demonstrate compliance with 40 C.F.R. Part 264, Subpart H, within six (6) months of the date of the transfer of Part II. The new Permittee shall demonstrate compliance with Part II Condition III.R, within six (6) months of the date of the transfer of Part II. Upon the new Permittee's demonstration of compliance with Part II Condition III.R, the Director shall notify the old Permittee of any remaining financial assurance requirements.

II.E.16. Twenty-Four Hour Reporting

- a. The Permittee shall report to the EPA any occurrence which may endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. Examples of such occurrences include, but are not limited to, fires, explosions, natural disasters, accidents, imminent or existing hazard from a release of hazardous waste or hazardous constituents, cracks or other breaches in the structure of any hazardous waste units, any fire or explosion at or near a permitted unit or other hazardous waste management area, solid waste management unit, area of concern or any other occurrence which may cause the release or threatened release of hazardous waste or hazardous constituents from any area within the permitted facility. The report shall include the following:
 - i. Information concerning the release of any hazardous waste or hazardous constituents that may endanger public drinking water supplies.
 - ii. Information concerning the release or discharge of any hazardous waste, or hazardous constituents, or a fire or explosion at the facility, which could threaten the environment or human health outside the facility.
- b. The description of the occurrence and its cause shall include:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;

- iii. Date, time, and type of incident;
- iv. Name and quantity of materials involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

c. A written submission shall also be provided to EPA within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the occurrence and its cause; the period(s) of the occurrence (including exact dates and times); whether the occurrence has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the occurrence. The EPA may waive the five-day written notice requirement in favor of a written report within fifteen (15) days.

II.E.17. Other Noncompliance

- a. The Permittee shall report to EPA in writing all other instances of RCRA noncompliance not otherwise required to be reported in Part II Conditions II.E.10 - II.E.16, within thirty (30) days of the occurrence. The reports shall contain the information listed in Part II Condition II.E.16.
- b. Examples of such instances of RCRA noncompliance include, but are not limited to, any noncompliance, no matter how minor, with waste handling and disposal requirements or requirements related to facility safety, including noncompliance with contingency plan requirements. Repeated or chronic instances of noncompliance with recordkeeping requirements must also be reported, although isolated or one-time instances of noncompliance with recordkeeping requirements need not be reported.

II.E.18. Information Repository

The EPA may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in 40 C.F.R. § 124.33(b). The

information repository will be governed by the provisions in 40 C.F.R. § 124.33 (c) through (f).

II.E.19. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application, or submitted incorrect information in a Permit Application or in any report to the EPA, the Permittee shall submit such facts or information to EPA in writing within seven (7) days of discovery.

II.E.20. Incorporations to Part II

- a. All plans and schedules required by the conditions of Part II are, upon approval of the Director, enforceable under Part II. Any noncompliance with such approved plans and schedules shall constitute noncompliance with Part II.
- b. Any portion of the Permit Application is enforceable under Part II. Any noncompliance with the Permit Application shall constitute noncompliance with Part II.
- c. Any changes necessary to items incorporated into Part II or attached to Part II shall be made in accordance with the review and approval procedures in Part II Condition III.U, except that any changes to the Permit Application and/or Permit Conditions shall be made in accordance with the permit modification procedures in Part II Condition II.C.

II.E.21. Supplemental Data

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to Part II shall be maintained at the Facility or other such location as approved by the Director during the term of Part II, including the term of any reissued or continued permits. Such information shall be made available to the Director upon request.

II.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Director shall be signed and certified in accordance with 40 C.F.R. §270.11 and 270.30(k).

II.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE EPA

- a. Failure to submit the information required by Part II, or falsification of any submitted information, is subject to enforcement and/or termination of Part II.
- b. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required by Part II to be submitted to the EPA are signed and certified in accordance with 40 C.F.R. §§270.11 and 270.30(k).
- c. Extensions of the due dates specified in Part II may be granted by the Director in accordance with the permit modification procedures set forth in 40 C.F.R. §270.42.
- d. Unless otherwise specified, two (2) copies of plans, reports, notifications or other submissions required by Part II to be submitted to the EPA shall be sent by certified mail, delivery service or hand delivered to:

U.S. Environmental Protection Agency Region 7
Air and Waste Management Division
RCRA Corrective Action & Permits Branch
ATTN: Ken Herstowski
901 North 5th Street
Kansas City, Kansas 66101
phone number: 913-551-7631
facsimile number: 913-551-7946
email address: herstowski.ken@epa.gov

- e. In addition, one (1) copy of these plans, reports, notifications or other submissions shall be submitted to:

Kansas Department of Health and Environment
Division of Environment
Bureau of Waste Management
Hazardous Waste Permit Section
Attn: Mostafa Kamal, Chief
Curtis State Office Building
1000 SW Jackson St., Ste. 320
Topeka, Kansas 66612-1366

- f. EPA may designate a new recipient in writing to the Permittee without a permit modification.

II.H. CONFIDENTIAL INFORMATION

In accordance with 40 C.F.R. §270.12, the Permittee may claim confidential any information required to be submitted by Part II.

II.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, through the term of Part II or for a minimum of three (3) years, whichever is longer, the following documents and all amendments, revisions and modifications to these documents:

1. Permit Application
2. Waste Analysis Plan
3. Personnel Training Plan
4. Inspection Schedule
5. Personnel training documents and records, as required by this Permit.
6. Operating record, as required by this Permit.
7. Corrective Action documents, including [RFI, CMS, etc.]
8. Corrective Action Cost Estimate and Financial Assurance documentation, as required by this Permit.
9. Permit modifications file, as required by this Permit

III. CORRECTIVE ACTION

III.A. AUTHORITY

Section 3004(u) of RCRA, 42 U.S.C. §6924, and 40 C.F.R. §264.101, require that all permits issued after November 8, 1984, address corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility seeking the permit, regardless of when the waste was placed in the unit or whether the unit is closed. Those sections further require that permits issued under Section 3005 of RCRA, 42 U.S.C. §6925, contain schedules of compliance for corrective action (where corrective action cannot be completed prior to permit issuance) and assurances of financial responsibility for completing such corrective action. Section 3004(v) of RCRA, 42 U.S.C. §6924(v), authorizes the Administrator to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health

and the environment, unless the owner or operator demonstrates to the Administrator's satisfaction that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA, 42 U.S.C. §6925(c)(3), requires that each permit issued under that section shall contain terms and conditions as the Administrator determines necessary to protect human health and the environment. Part II fulfills this statutory and regulatory obligation.

III.B. IDENTIFICATION OF SWMUS, AOCs, OPERABLE UNITS

The following SWMUs, AOCs and Operable Units have been identified at the Facility and are shown on the attached Figures 3 and 4:

Table 1 – SWMUs, AOCs and Operable Units

SWMU/AOC	Description	Location
SWMU 1	Truck Unloading Building	Incinerator Area – Bulk Liquid Truck Unloading Building
SWMU 2	Drum Receiving Tank	Incinerator Area – Bulk Liquid Truck Unloading Building
SWMU 3	Tank Farm Building	Incinerator Area – Incinerator Tank Farm Building
SWMU 4	Receiving Tanks (3)	Incinerator Area – Incinerator Tank Farm Building
SWMU 5	Contaminated Water Tank	Incinerator Area – Incinerator Tank Farm Building
SWMU 6	Blend Tanks (3)	Incinerator Area – Incinerator Tank Farm Building
SWMU 7	Solids Storage (Shredder) Building	Incinerator Area – Container Process Building
SWMU 8	Container Shredder	Incinerator Area – Container Process Building
SWMU 9	Unloading Dock	Incinerator Area – Container Process Building
SWMU 10	Incinerator Structure	Incinerator Area
SWMU 11	Rotary Kiln	Incinerator Structure
SWMU 12	Afterburner	Incinerator Structure
SWMU 13	Emergency Water Tank (T-6)	Incinerator Area – Exterior

SWMU/AOC	Description	Location
		Tank
SWMU 14	Saturator	Incinerator Structure
SWMU 15	Wet Deslagger	Incinerator Structure
SWMU 16	Cross-Flow Scrubber	Incinerator Structure
SWMU 17	Ionizing Wet Scrubber (2)	Incinerator Structure
SWMU 18	Baghouse	Incinerator Structure
SWMU 19	Direct Burn Pad	Incinerator Structure
SWMU 20	Spray Tower Dust Building	Incinerator Structure
SWMU 21	Baghouse Dust Building	Incinerator Structure
SWMU 22	Cooling Tower	Incinerator Area – Cooling Tower Building
SWMU 23	Water Treatment Building	Incinerator Area – Water Treatment Building
SWMU 24	Filter Feed Tank	Incinerator Area – Water Treatment Building
SWMU 25	Caustic Soda Tank	Incinerator Area – Water Treatment Building
SWMU 26	Pressure Filter	Incinerator Area – Water Treatment Building
SWMU 27	Residue Handling Building	Incinerator Area Residue Management Building
SWMU 28	Clarifier	Incinerator Area – Water Treatment Building
SWMU 29	Brine Storage Tanks	Incinerator Area – Cooling Tower Building
SWMU 30	Brine Tank [V-103]	Incinerator Area – Cooling Tower Building
SWMU 31	Brine Check Tanks [V-101, V-102]	Incinerator Area – Cooling Tower Building
SWMU 32	Frac Tanks (Temporary) [V-104, V-105]	Incinerator Area – Cooling Tower Building
SWMU 33	Soda Ash System	Incinerator Area – Soda Ash System
SWMU 34	Soda Ash Silo	Incinerator Area – Soda Ash System
SWMU 35	Soda Ash Slurry Tank	Incinerator Area – Soda Ash System
SWMU 36	Unused Tank (former soda ash tank)	Incinerator Area – Soda Ash System
SWMU 37	Neutralizer Tanks (2)	Incinerator Area – Neutralizer Tanks

SWMU/AOC	Description	Location
SWMU 38	Containment Berm I	PCB Process Area – Main Process Building
SWMU 39	PCB Tanks (Tanks 1-4)	PCB Process Area – Main Process Building: Containment Berm I
SWMU 40	PCB Tanks (Tanks 31-32)	PCB Process Area – Main Process Building: Containment Berm I
SWMU 41	Work Table (2)	PCB Process Area – Main Process Building: Containment Berm I
SWMU 42	Hi-Part Dismantle Area	PCB Process Area – Main Process Building: Containment Berm I
SWMU 43	Hi-Part Berm	PCB Process Area – Main Process Building: Containment Berm I
SWMU 44	Granulator	PCB Process Area – Main Process Building: Containment Berm I
SWMU 45	Transformer Washer	PCB Process Area – Main Process Building: Containment Berm I
SWMU 46	Tumbler	PCB Process Area – Main Process Building: Containment Berm I
SWMU 47	Containment Berm II	PCB Process Area – Solvent Recovery Area
SWMU 48	Clean Solvent Tank (T-2)	PCB Process Area – Solvent Recovery Area
SWMU 49	Contaminated Solvent Tank (T-1)	PCB Process Area – Solvent Recovery Area
SWMU 50	Clean Solvent Tanks (T-3A, T-3B)	PCB Process Area – Solvent Recovery Area
SWMU 51	Base and Distillation Column Assembly (T-33)	PCB Process Area – Solvent Recovery Area
SWMU 52	Contaminated Water Tank (Tank 43)	PCB Process Area – Solvent Recovery Area
SWMU 53	Recycle Tank (T-22)	PCB Process Area – Solvent Recovery Area
SWMU 54	Transfer Tank (T-2248)	PCB Process Area – Solvent

SWMU/AOC	Description	Location
		Recovery Area
SWMU 55	Overflow Tank (Surge Tank T-20)	PCB Process Area – Solvent Recovery Area
SWMU 56	Vapor Degreaser Structure	PCB Process Area – Main Process Building: Containment Berm I
SWMU 57	Vapor Degreaser Tank	PCB Process Area – Main Process Building: Containment Berm I
SWMU 58	Water Tank	PCB Process Area – Main Process Building: Containment Berm I
SWMU 59	Water Separator	PCB Process Area – Main Process Building: Containment Berm I
SWMU 60	Solvent Tank	PCB Process Area – Main Process Building: Containment Berm I
SWMU 61	Transformer Drain and Flush Station (same as SWMU 41 – Waste Table)	PCB Process Area – Main Process Building: Containment Berm I
SWMU 62	Containment Berm III	PCB Process Area – Indoor Tank Farm
SWMU 63	Container Storage	PCB Process Area – Container Storage
SWMU 64	PCB Tanks (Tanks 9-18, 47)	PCB Process Area – Indoor Tank Farm: Containment Berm III
SWMU 65	Non-TSCA Oil Tanks (Tanks 19, 21, 46, 48-50, 61-66)	PCB Process Area – Indoor Tank Farm: Containment Berm III
SWMU 66	Shower Water Tank (Tank T-142)	PCB Process Area – Indoor Tank Farm: Containment Berm III
SWMU 67	Virgin Mineral Oil Tanks for Dispersion (Tanks 51, 52)	PCB Process Area – Indoor Tank Farm: Containment Berm III
SWMU 68	Containment Berm IV	PCB Process Area – Detox Reagent Area
SWMU 69	Chemical Blend Tanks (2)	PCB Process Area – Detox Reagent Area: Containment

SWMU/AOC	Description	Location
		Berm IV
SWMU 70	Reagent Mix Tank	PCB Process Area – Detox Reagent Area: Containment Berm IV
SWMU 71	Containment Berm V	PCB Process Area – Detox Reagent Area
SWMU 72	Process Tank (T2-1)	PCB Process Area – Detox Reagent Area: Containment Berm V
SWMU 73	Process Tank (T2-2)	PCB Process Area – Detox Reagent Area: Containment Berm V
SWMU 74	Quench Tank (T4-1)	PCB Process Area – Detox Reagent Area: Containment Berm V
SWMU 75	Sluge Neutralizer Tank (T2-3)	PCB Process Area – Detox Reagent Area: Containment Berm V
SWMU 76	Overflow Tank (T5-1)	PCB Process Area – Detox Reagent Area: Containment Berm V
SWMU 77	Containment Berm VI	PCB Process Area – Drum Wash Area
SWMU 78	Containment Berm VII	PCB Process Area – Container Storage
SWMU 79	Barrel Dump Station	PCB Process Area – Drum Wash Area
SWMU 80	Barrel Washer	PCB Process Area – Drum Wash Area
SWMU 81	Contaminated Solvent Tanks (Tanks 35-37)	PCB Process Area – Drum Wash Area
SWMU 82	Container Storage	PCB Process Area – Container Storage
SWMU 83	Containment Berm VIII	PCB Process Area – QA/QC Shipping and Receiving
SWMU 84	Container Storage	PCB Process Area – QA/QC Ship and Receiving: Containment Berm VIII
SWMU 85	Containment Berm IX	PCB Process Area – Main Process Building
SWMU 86	Fuel Tanks (2)	PCB Process Area –

SWMU/AOC	Description	Location
		Exterior Berm
SWMU 87	Containment Berm X	PCB Process Area – Clean Oil Storage Area
SWMU 88	Mineral Oil Tanks (Tanks 5, 8)	PCB Process Area – Rail Load/Unload Area
SWMU 89	Mineral Oil Tanks (Tanks 29-30, 44-45)	PCB Process Area – Clean Oil Storage Area
SWMU 90	QA/QC Berm Shipping and Receiving	PCB Process Area – QA/QC Shipping and Receiving
SWMU 91	QA/QC Berm Shipping and Receiving	PCB Process Area – QA/QC Shipping and Receiving
SWMU 92	TSCA Storage Area	PCB Process Area – Main Process Building
SWMU 93	Truckwash	PCB Process Area – Truckwash Building
SWMU 94	A Building (RCRA/TSCA Storage)	PCB Process Area – Main Process Building
SWMU 95	Sodium Storage Room	PCB Process Area – Sodium Storage Building
SWMU 96	Carbon Canisters (various locations)	Incinerator Area & PCB Process Area
SWMU 97	Solvent Recovery Storage Building	PCB Process Area – Main Process Building
SWMU 98	Transformer Shipping and Receiving	PCB Process Area – Containment Berm 1
SWMU 99	Railcar Load and Unload	PCB Process Area – Rail Load/Unload Area
SWMU 100	Overhang Storage Area	PCB Process Area – Main Process Building
SWMU 101	Maintenance Shop	PCB Process Area – Maintenance Shop
SWMU 102	Storage Building (north of QA/QC Ship/Rec)	PCB Process Area – Main Process Building
SWMU 103	Storage Building (north of incinerator area)	Incinerator Area – Storage Building
SWMU 104	Bulk Up Tanks	Incinerator Area – Bulk Up Tanks
SWMU 105	General Waste Storage Building 40	Incinerator Area – General Waste Storage Building 40
SWMU 106	Building 30	Incinerator Area – Building 30

SWMU/AOC	Description	Location
SWMU 107	Special Waste Building 20	Incinerator Area – Special Waste Building 20
SWMU 108	Wastewater Treatment	PCB Process Area – Waste Water Treatment
SWMU 109	Building 70	PCB Process Area – Building 70
SWMU 110	Ground water Pump and Treat Building	PCB Process Area – GW Pump and Treat Building
SWMU 111	Bulk Solids Unloading	Incinerator Area – Bulk Solids Area
SWMU 112	Bulk Solids Tanks	Incinerator Area – Bulk Solids Area
SWMU 113	Bulk Solids Building	Incinerator Area – Bulk Solids Area
SWMU 114	Bulk Solids Processing Equipment	Incinerator Area – Bulk Solids Area
SWMU 115	Storage Yard (Boneyard)	PCB Process Area – Exterior Northeast
SWMU 116	Storage Building (East of QA/QC Berms)	PCB Process Area – Records Storage
SWMU 117	Railcar Staging Area	PCB Process Area – Rail Spur
SWMU 118	Truck Staging Area I	PCB Process Area – Exterior Southwest
SWMU 119	Truck Staging Area II	PCB Process Area – Exterior Southeast
SWMU 120	Truck Overflow Staging Area	PCB Process Area – Exterior Southeast
SWMU 121	Drainage Ditches	Incinerator Process Area and PCB Process Area
AOC 1	Soil in Vicinity of soil sample location MS-10	PCB Process Area – Near SWMUs 83, 84, 91
AOC 2	North Parking Lot Ground water	Incinerator Area – Exterior Northwest
AOC 3	Farm ground water wells southwest of Tract F	Offsite Water Well Southwest of Track F
Operable Unit 1	On-site soil	Tracts A & B
Operable Unit 2	On-site Groundwater	Tracts A, B, D, E and F

SWMU/AOC	Description	Location
Operable Unit 3	Off-site Groundwater	Exterior to Tracts A, B, D, E and F

III.C. NOTIFICATION REQUIREMENTS FOR NEWLY-IDENTIFIED SWMUS, AOCS AND RELEASES

1. The Permittee shall notify the EPA in writing of any newly-identified SWMU, AOC and releases discovered during the course of ground water monitoring, field investigations, environmental audits, or other activities or by any other means, no later than fifteen (15) days after discovery. As used in this part of the Permit, the terms "discover", "discovery", or "discovered" refer to the date on which the Permittee or an EPA representative either, (1) visually observed evidence of a new SWMU, AOC, or release (2) visually observed evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment. The notification shall include, at a minimum, a unique sequential identification number, the location of the SWMU, AOC, or release and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).

2. After such notification, the Director may request, in writing, that the Permittee prepare a SWMU, AOC or Release Assessment Work Plan, a proposed schedule of implementation and completion of the Work Plan, and a SWMU, AOC or Release Assessment Report. Alternatively, the Director may require a new or supplemental RFI or CMS for the newly-identified SWMU(s), AOC(s) or release(s) in accordance with this Permit.

III.D. ASSESSMENT OF NEWLY-IDENTIFIED SWMUS, AOCS AND RELEASES

1. Within sixty (60) days after receipt of notice that the Director requires a Release Assessment Work Plan, the Permittee shall submit a Release Assessment Work Plan. The Release Assessment Work Plan shall describe all the activities to be completed in order to characterize the newly-identified SWMUs, AOCs or releases so that the Director can determine if a RCRA Facility Investigation is necessary. The Release Assessment Work Plan for the investigation shall include any of the following as specified in the Director's notice:

- a. A discussion of past waste management practices at the unit or area;

- b. A sampling and analysis program for ground water, land surface and subsurface strata, surface water and air, to determine whether a release of hazardous waste and/or hazardous constituents from the newly identified SWMU, AOC or otherwise has occurred, or is occurring and/or to determine whether a newly-identified release is harmful to human health or the environment;
- c. A discussion of Data Quality Objectives;
- d. A Quality Assurance Project Plan for the collection and analysis of samples that has been reviewed and approved by EPA and EPA's Quality Assurance personnel;
- e. A proposed schedule for implementation and completion of the Release Assessment Work Plan;
- f. The sampling and analysis program, if required, shall be capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste and/or hazardous constituents from the newly-identified releases to the environment. The Release Assessment Work Plan shall specify any data to be collected to provide for a complete Release Assessment Report, as defined below; and
- g. The Release Assessment Work Plan will be reviewed and approved in accordance with the procedures set forth in Part II Condition III.U. Upon EPA's approval of the Release Assessment Work Plan, the Permittee shall implement said Release Assessment Work Plan in accordance with the schedules contained therein.
- h. The Permittee shall provide written notice to the Director thirty (30) days prior to conducting field sampling.

2. The Permittee shall submit a Release Assessment Report to the EPA according to the schedule specified in the approved Release Assessment Work Plan. The Release Assessment Report shall present and discuss the information obtained from implementation of the approved Release Assessment Work Plan. At a minimum, the Release Assessment Report shall provide the following information for each newly-identified SWMU, AOC and/or release:

- a. The location of the newly-identified SWMU, AOC and/or release, including its location in relation to other SWMUs, AOCs, other areas where a release has occurred, and regulated units;

- b. The type and function of the SWMU, AOC, unit or other release area;
 - c. The general dimensions, capacities, and structural description of the SWMU, AOC, unit or other release area;
 - d. The period during which the SWMU, AOC, unit or other release area was operated;
 - e. The physical and chemical properties of all wastes, and hazardous materials that have been or are being managed at the SWMU, AOC, unit or other release area, to the extent such information is available;
 - f. The results of all sampling and analysis conducted;
 - g. Past and present operating practices;
 - h. Previous uses of the area in which the release occurred;
 - i. Amounts of waste and hazardous materials handled; and
 - j. Drainage areas and/or drainage patterns near the release.
3. The Release Assessment Report will be reviewed and approved in accordance with the procedures set forth in Part II Condition III.U. Based on the findings of the Release Assessment Report, and any other available information, the Director will determine the need for further investigation, interim measures, stabilization, a RCRA Facility Investigation, or a Corrective Measures Study.

III.E. INTERIM MEASURES AND STABILIZATION

- 1. Interim measures shall be used whenever necessary to achieve the goal of stabilization, which is to control or abate immediate threats to human health and the environment, and to prevent or minimize the spread of contaminants while long-term corrective remedies are being evaluated. The Permittee shall evaluate available data and assess the need for interim measures in addition to any interim measures specifically required by Part II.
- 2. The Permittee shall notify the Director within twenty-four (24) hours of becoming aware of a situation that requires interim measures, stabilization, or both.
- 3. If the Director determines that a release or potential release of hazardous waste and/or hazardous constituents poses a threat to human health or the environment, the Director may require interim measures, stabilization, or both to

control or abate such threat, or to minimize or prevent the further spread of contamination until final corrective measures can be initiated. The Director will determine the specific action(s) that must be taken to implement interim measures, stabilization or both, including requirements for submitting work plans, schedules for implementing the interim measures and/or stabilization requirements and/or any other necessary actions, and will inform the Permittee of the required action(s) in writing.

4. If at any time, the Permittee determines that the interim measures and/or stabilization activities are not controlling or abating the threat or effectively minimizing or preventing the further spread of contamination, the Permittee must notify the Director in writing no later than ten (10) days after such a determination is made. The Director may then require that the interim measures and/or stabilization activities be revised to make them more effective; or that final corrective measures be implemented to remediate the contaminated media.

III.F. RCRA FACILITY INVESTIGATION WORK PLAN

The Permittee has submitted a RCRA Facility Investigation (RFI) Work Plan and has implemented the submitted RFI Work Plan. The following RFI Work Plan requirements shall be followed if additional RFI is necessary to characterize releases of hazardous waste and/or hazardous constituents from SWMUs and AOCs identified in Part II or if new SWMUs and/or AOCs or new releases from currently identified SWMUs and/or AOCs require a RFI.

1. The objectives of the RFI include, but are not limited to, all actions necessary to characterize the nature, direction, three-dimensional extent, rate, movement, and concentration of releases of hazardous waste and/or hazardous constituents from specific SWMUs, AOCs or releases, and their actual or potential receptors. The RFI shall be designed to obtain sufficient information to support further corrective action decisions at the facility.

2. Within ninety (90) days of a written request from the Director, the Permittee shall prepare and submit to the Director for review and approval in accordance with Part II Condition III.U, a RFI Work Plan for conducting a RFI for those SWMUs, AOCs or releases identified by the Director. The RFI Work Plan shall be consistent with the requirements of the Scope of Work for a RCRA Facility Investigation in the RCRA Corrective Action Plan. The RFI Work Plan shall also be consistent with the RCRA Facility Investigation Guidance. The RFI Work Plan shall describe in detail all proposed activities and procedures to be conducted at the facility and the overall technical and analytical approach to completing all actions necessary to achieve the objectives of the RFI. In order to support corrective action decisions, the RFI Work Plan shall include, but is not limited to:

- a. A description of the current conditions at the facility;
 - b. The full characterization of the environmental setting;
 - c. The full characterization of the sources and nature of hazardous wastes and constituents;
 - d. The procedures required to achieve full characterization of the three-dimensional extent and rate of on-site and/or off-site migration of releases of hazardous waste and/or hazardous constituents from SWMUs, AOCs and/or releases at the facility and their actual or potential receptors;
 - e. The work to identify and completely characterize all contaminant plumes;
 - f. Identification of any additional SWMUs, AOCs and/or releases not previously identified consistent with Part II Conditions III.B and III.C;
 - g. Collection of sufficient data to conduct a Risk Assessment consistent with Risk Assessment Guidance for Superfund and Ecological Risk Assessment Guidance for Superfund; and
 - h. The collection of any other pertinent data which are necessary to support a Corrective Measures Study and/or any further corrective action decisions.
 - i. The schedule for implementing and completing such investigations and submitting reports, including the RFI Report;
 - j. The qualifications of personnel performing or directing the investigations, including contractor personnel; and
 - k. The overall management of the RFI.
3. The RFI Work Plan shall include the submittal of a Sampling and Analysis Plan (SAP) prepared in accordance with the RCRA Corrective Action Plan and the RFI Guidance. The SAP shall include, but not limited to, the following:
- a. Description of all sampling procedures including sample collection by media, field measurement and/or analysis, analytical methods, containerization, preservation, packaging, and shipment (including chain-of-custody) procedures;

- b. Plans for the handling and disposal of all investigation-derived wastes, such as drilling spoils, water produced during well development, water produced during purging prior to ground water sample collection, and fluids generated during decontamination of drilling and sampling equipment;
 - c. A map with all SWMUs, AOCs, and/or release areas shown and maps of each SWMU, AOC or release area showing all sampling points, depth intervals, and constituents to be sampled and analyzed for.
4. The RFI Work Plan shall include the submittal of a Quality Assurance Project Plan (QAPP) prepared in accordance with "Requirements for Quality Assurance Project Plans," EPA QA/R-5, March 2001, and "Guidance for Quality Assurance Project Plans," EPA QA/G-5, December 2002, and any subsequent revisions or editions. The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. The QAPP shall identify procedures that will be performed during the investigation to characterize the nature and extent of contamination in order to ensure that all information and data resulting from the investigation are technically defensible, representative, and accurate in support of corrective action and risk management decisions. These documents must be reviewed and approved by the EPA Region 7 Quality Assurance Office. The QAPP shall include, but is not limited to, the following:
- a. The RFI objectives, analytical and laboratory methods, field and laboratory quality assurance and quality control samples, chain-of-custody procedures, and data review and management, validation and reporting procedures, sample collection, field measurement and/or analysis, containerization, preservation, packaging, shipment.
 - b. A laboratory QAPP or equivalent which is provided by the laboratory selected to perform sample analysis.
 - c. Laboratory methods shall be in accordance with Methods Innovation Rule.
5. The Permittee shall prepare and maintain a health and safety plan during the project that assures the RFI activities are conducted in a manner that is protective of human health and the environment.
6. The Permittee shall prepare a public involvement plan (inclusion of this requirement is at the discretion of the project manager)

7. The Director will review and approve the RFI Work Plan in accordance with the procedures set forth in Part II Condition III.U.

III.G. RFI WORK PLAN IMPLEMENTATION

Upon receipt of written approval from the Director for a RFI Work Plan and any subsequent RFI Work Plans, the Permittee shall implement the EPA-approved RFI Work Plan according to the schedules therein and the following:

1. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the RFI Work Plan to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.
2. Any proposed deviations from the EPA-approved RFI Work Plan must be approved in advance in writing by the Director and fully documented and described in the progress reports and in the RFI Final Report.
3. The Director may require any additional work necessary to accomplish the RFI pursuant to Part II Condition III.P.

III.H. RFI REPORT

The Permittee has submitted a RFI Report. The following RFI Report requirements shall be followed if additional RFI is necessary to characterize releases of hazardous waste and/or hazardous constituents from SWMUs and AOCs identified in Part II or if new SWMUs and/or AOCs or new releases from currently identified SWMUs and/or AOCs require a RFI.

1. The Permittee shall submit a RFI Report according to the schedule contained in the EPA-approved RFI Work Plan and/or any RFI Work Plan Addenda. The RFI Report shall be consistent with the requirements of the RCRA Corrective Action Plan. The RFI Report shall also be consistent with the RFI Guidance. The RFI Report shall present all information gathered under the EPA-approved RFI Work Plan and/or any RFI Work Plan Addenda along with a facility description and map showing the property boundary and all SWMUs, AOCs, and other areas where a release occurred. The RFI Report must contain sufficient information to support further corrective action decisions at the facility. The RFI Report shall describe the procedures, methods, and results of all investigations of newly-identified SWMUs and AOCs and associated releases, including but not limited to the following:

- a. Characterization of the extent, nature, direction, rate, movement and concentration of releases from the facility.
 - b. Characterizations of the environmental setting at the facility, including:
 - i. Hydrogeological conditions;
 - ii. Climatological conditions;
 - iii. Soil characteristics;
 - iv. Surface water and sediment quality; and
 - v. Air quality and meteorological conditions.
 - c. Characterization of SWMUs, AOCs, or other areas from which releases have been or may be occurring, including unit and waste or hazardous constituent characteristics.
 - d. Descriptions of human populations and environmental systems which are, may have been, or, based on site-specific circumstances, may be exposed to release(s).
 - e. Any other information that will assist the Director in assessing risks to human health and the environment from releases from SWMUs, AOCs, or other unit/area.
 - f. Conclusions regarding future contaminant movement.
 - g. Laboratory, bench-scale or pilot-scale tests or studies conducted to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.
 - h. Statistical analyses to aid in the interpretation of data.
 - i. Results of any interim measures.
 - j. Any deviations from the EPA-approved RFI Work Plan.
2. The Director will review and approve the RFI Report in accordance with the procedures set forth in Part II Condition III.U.

3. If the Director determines that additional investigation or study of SWMUs or AOCs is necessary, the Permittee will conduct those activities in accordance with Part II Condition III.P.

4. If the Director determines that an interim measure or corrective measure is required, the Director will notify the Permittee in writing to request either interim measures as specified in Part II Condition III.E or a corrective measures study as specified in Part II Conditions III.I, III.J and III.K.

III.I. CORRECTIVE MEASURES STUDY WORK PLAN

The Permittee has submitted a Corrective Measures Study (CMS) Work Plan and has implemented the CMS Work Plan. The following CMS Work Plan requirements shall be followed if additional CMS is necessary to characterize releases of hazardous waste and/or hazardous constituents from SWMUs and AOCs identified in Part II or if new SWMUs and/or AOCs or new releases from currently identified SWMUs and/or AOCs require a CMS.

1. If the Director determines that there has been a release of hazardous waste and/or hazardous constituents that may present a threat to human health or the environment, the Director may require a CMS Work Plan and will notify the Permittee in writing.

2. The Permittee shall submit three (3) copies of a CMS Work Plan to the Director within sixty (60) days of notification of the requirement to conduct a CMS. The CMS Work Plan shall describe all the investigations, studies and other work necessary to select a corrective measure or measures to protect human health and the environment from releases of hazardous wastes and hazardous constituents. Corrective measures described in the CMS Work Plan may include measures that incorporate engineering or institutional controls subject to EPA's approval. The CMS Work Plan shall be consistent with the most recent version of the EPA guidance document entitled, RCRA Corrective Action Plan (EPA/520-R-94-004).

3. If the CMS Work Plan will consider corrective measures that leave contamination on-site at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment in perpetuity. Such a plan shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and

Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups,” February 2003.

4. At a minimum, the CMS Work Plan shall provide the following information:

- a. A description of the general approach to investigating and evaluating potential corrective measures;
- b. A site specific description of the overall purpose of the corrective measures study;
- c. A description of the corrective measures objectives, including proposed target media cleanup standards and points of compliance or a description of how a risk assessment will be performed;
- d. A definition of the specific objectives of the CMS;
- e. A description of the specific corrective measure technologies and/or corrective measure alternatives which will be studied;
- f. A detailed description of any proposed pilot, laboratory and/or bench-scale studies;
- g. A description of overall project management including overall approach, levels of authority, lines of communication, project schedules, budget and personnel. Include a description of qualifications for personnel directing or performing the work;
- h. A description of the method to be used to evaluate corrective measures. The CMS Work Plan shall specify that the CMS Report will include an evaluation of each corrective measure studied using, at a minimum, four “threshold criteria” and five “balancing criteria.”
- i. Threshold criteria:
 - i. Protection of human health and the environment;
 - ii. Attainment of media cleanup standards set by, or risk-based standards approved by, EPA;
 - iii. Controlling the sources of releases to reduce or eliminate further releases that may pose a threat to human health and the environment, and

- iv. Compliance with applicable standards for management of wastes.
- j. Balancing criteria:
 - i. Long-term reliability and effectiveness;
 - ii. Reduction of toxicity, mobility or volume of wastes;
 - iii. Short-term effectiveness;
 - iv. Implementability; and
 - v. Cost.
- k. The schedules for conducting the CMS and submitting a CMS Report; and
- l. The proposed format for the presentation of information in the CMS Report. The format for the CMS Report shall include at a minimum:
 - i. Introduction/Purpose;
 - ii. Description of Current Conditions;
 - iii. Media Cleanup Standards;
 - iv. Identification, Screening, and Development of Corrective Measures Alternatives;
 - v. Evaluation of a Final Corrective Measures Alternative;
 - vi. Recommendation by Permittee for a Final Corrective Measure Alternative; and
 - vii. Public Involvement Plan.
- m. The Director may require the Permittee to evaluate as part of the CMS one or more specific potential remedies. These remedies may include a specific technology or combination of technologies that, in the EPA's judgment, achieves protection of human health and the environment.

- n. The Director will review and approve the CMS Work Plan in accordance with Part II Condition III.U.
- o. The Permittee shall provide written notice to the Director thirty (30) days prior to conducting field sampling.

III.J. CMS WORK PLAN IMPLEMENTATION

Upon receipt of written approval from the Director for the CMS Work Plan and any subsequent CMS Work Plans, the Permittee shall implement the EPA-approved CMS Work Plan according to the schedules therein and the following:

- 1. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the CMS Work Plan to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.
- 2. Any proposed deviations from the EPA-approved CMS Work Plan must be approved in advance verbally by the Director and fully documented and described in the progress reports and in the CMS Report.
- 3. The Director may require any additional work necessary to accomplish the CMS pursuant to Part II Condition III.P.

III.K. CMS REPORT

Upon receipt of written approval from the Director for the CMS Work Plan, the Permittee shall implement the EPA-approved CMS Work Plan according to the schedules therein and the following:

- 1. The Permittee shall submit three (3) copies of a CMS Report according to the schedule contained in the approved CMS Work Plan. The CMS Report shall present all information gathered under the approved CMS Work Plan and shall be consistent with the RCRA Corrective Action Plan.
- 2. If the CMS Report proposes corrective measures that leave contamination on-site at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment in perpetuity. Such a plan shall be consistent with EPA guidance including but not limited to Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups, and Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing

Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups.

3. The CMS Report shall include:
 - a. A brief summary discussion of any new information that would significantly effect the evaluation and selection of the corrective measures alternative;
 - b. A summary of the risks to human health and the environment which require implementation of a corrective measure(s);
 - c. Proposed media cleanup standards for the protection of human health and the environment;
 - d. The results of the investigations for each remedy studied and of any bench-scale or pilot tests or modeling (if applicable) conducted;
 - e. An estimate of the costs for implementing each corrective measure;
 - f. A detailed evaluation of each corrective measure using the four threshold criteria and the five balancing criteria listed in Part II Conditions III.I.4.i and III.I.4.j;
 - g. A detailed evaluation of each proposed institutional control and the inclusion of draft language for each proposed institutional control; and
 - h. The Permittee's recommendation, with justification, of the appropriate corrective measure or measures, based upon the above criteria and the information in Part II Conditions III.I.4.i and III.I.4.j.
4. The Director may require the Permittee to evaluate as part of the CMS one or more specific potential corrective measures. These corrective measures may include a specific technology or combination of technologies that, in the EPA's judgment, achieves protection of human health and the environment.
5. The CMS Report must contain adequate information for the Director to select the corrective measure(s) necessary to protect human health and the environment from releases of hazardous wastes and hazardous constituents at or from the Facility.
6. The Director will review and approve the CMS Report in accordance with the procedures set forth in the Part II Condition III.U.

III.L. CORRECTIVE MEASURES SELECTION

III.L.1. Corrective Measures Selection

The Director will select corrective measure(s) that (1) protect human health and the environment; (2) attain media cleanup standards set by the Director; (3) control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases that may pose a threat to human health and the environment; and (4) comply with any applicable standards for management of wastes. Before selecting corrective measures, the Director will prepare a Statement of Basis that identifies the preferred corrective measure or measures and provides the reasons for the selection. The Director will make a final corrective measures decision after public notice and public review of the Statement of Basis and review of all public comments. If necessary, EPA will initiate a permit modification pursuant to 40 C.F.R. §270.41 to require implementation of the preferred corrective measure or measures. Alternatively, the Permittee may request a permit modification pursuant to 40 C.F.R. §270.42(c) for the implementation of the EPA selected corrective measure or measures.

III.L.2. Corrective Measures Selected

The following Table 2, Summary of Selected Corrective Measures, summarizes the corrective measures selected for each SWMU and AOC. If new SWMUs or AOCs are identified, or new releases occur or are newly identified for the SWMUs and AOCs in Table 2, the Director may require the Permittee to address such a release by implementing any or all of the requirements of Part II Condition III including the selection of new or additional corrective measures.

Table 2 - Summary of Selected Corrective Measures

SWMU/AOC/Operable Unit	Interim Measure	Corrective Measure	Note:
Operable Unit 1		Engineering Control: Work Practices; Institutional Controls	RCRA Permit; Other Enforceable Controls to Be Proposed
Operable Unit 2	GW Pump and Treat System; Funnel and Gate System	Engineering Control: Funnel and Gate System; Institutional Controls	GW Pump and Treat System was used as an interim measure

SWMU/AOC/Operable Unit	Interim Measure	Corrective Measure	Note:
Operable Unit 3	Funnel and Gate System	Monitored Natural Attenuation; Institutional Controls	RCRA Permit; Other Enforceable Controls to Be Proposed
AOC 3	Ground water Treatment System	Engineering Control: Ground water Treatment System	Activated carbon system for ground water extracted and used by landowner

EPA selected corrective measures to protect human health and the environment and to remediate releases of hazardous waste and hazardous constituents. EPA's corrective measures decision is included as Permit Attachment 5. The corrective measures are:

III.L.2.a. Funnel and Gate System

The funnel and gate system is a subsurface slurry wall constructed to contain contaminated ground water so that such ground water passes through permeable sections of the slurry wall called gates constructed with zero valent iron which treats the contaminated ground water passing through the gates by chemical reaction to decrease concentrations of hazardous waste and hazardous constituents in the ground water. The slurry wall is constructed along the eastern, southern and western property lines (except the western leg of the slurry wall extends off-site to the north of Tract F a short distance) of Tract F (see Figure 2). The Permittee shall maintain the funnel and gate system such that it continues to treat ground water contaminants passing through the gates until ground water contaminant concentrations in Operable Units 2 and 3 meet the clean up standards for un-restricted use in Table 5.

III.L.2.b. Ground Water Treatment System

The ground water treatment system is an activated carbon adsorption system used to treat ground water extracted and used by an adjacent land owner at the farm west of "Tract F" as shown in Figure 2. The Permittee shall maintain and provide for continued operation of the ground water treatment system so that the ground water after treatment meets until ground water contaminant concentrations for un-restricted use in Table 5. Operation of the ground water treatment system shall continue unabated until the ground water contaminant concentrations in AOC 3 meet the clean up standards for un-restricted use in Table 5.

III.L.2.c. Monitoring and Performance Evaluation

The Permittee shall monitor the effectiveness and performance of the corrective measures and determine any failures of the corrective measures. Effectiveness monitoring shall include monitoring of the size of the volatile organic constituent (VOC) plumes, hydraulic capture of the funnel and gate system, ground water quality and contaminant concentration down-gradient of the funnel and gate system, monitoring of natural attenuation processes and progress and monitoring of the operation, performance and water quality of the ground water treatment system. Performance metrics shall include monitoring of the dissolved VOC treatment and destruction by the funnel and gate system and by natural attenuation. The results of this monitoring and evaluation shall be presented to EPA in the annual report required by Part II Condition III.N.3.

III.L.2.d. Institutional Controls

The Permittee shall provide and maintain enforceable institutional controls to prevent construction or any other activity which could damage or interfere with the funnel and gate system, to prevent ground water extraction or usage at the facility (except as may be necessary as part of an interim measure or remediation system) and prevent uses of the facility that would result in exposure of workers or visitors to hazardous waste or hazardous constituents released and present at the facility which have not been evaluated in the risk assessment documents titled *Estimation of Risk-Based Action Levels for the Former Aptus Facility, Coffeyville, Kansas, 1998 (SECOR)* and *Responses to EPA Comments – Review of Proposed Risk-Based Action Levels [at] Clean Harbors Coffeyville, LLC, September 15, 2004, (RETEC)*.

III.L.3. Institutional controls Provided by Part II

Part II establishes institutional controls (IC) pursuant to the authority of Part II to ensure the effectiveness of the engineering controls and to prevent use of the facility that would cause exposure to hazardous waste or hazardous constituents which would adversely affect human health and the environment as follows:

- a. IC for on-site ground water: The Permittee shall not use, construct or install any water extraction well at the Facility, without the prior written approval of the KDHE and the EPA.
- b. IC on facility use: The Permittee shall not use any portion of the Facility property for any use other than industrial or commercial use, except that child care facilities shall also be prohibited.

c. IC for soil: The Permittee shall not excavate or remove any surface or subsurface soil or sediments, except for excavation or removal in conformance with a KDHE and EPA-approved Corrective Measures Implementation Work Plan, Part II Attachment 6. The Permittee shall maintain and update, as necessary, a Corrective Measures Implementation Plan for (a) testing and proper management of any contaminated environmental media that may be encountered at the Facility; and (b) ensuring that construction workers, maintenance workers and Facility employees will be required to have training appropriate for their level of exposure prior to engaging in any such activities that may involve contact with soil and/or ground water at the Facility.

d. Exceptions to the activity and use limitations set forth in the foregoing paragraph include minor excavations necessary to install, maintain or repair utility poles, fence posts, sidewalks, paving, and other comparable activities, as well as minor excavations necessary to maintain or repair existing underground utilities and minor excavations in connection with landscaping activities.

e. The Permittee shall not construct, repair or alter the Facility in any fashion that would damage or interfere with the corrective measures without an approval from the Director and in accordance with an amended Corrective Measures Implementation Plan.

f. Notwithstanding the foregoing activity and use restrictions, the Permittee may demonstrate to KDHE's and EPA's satisfaction, through the submission of a permit modification request with appropriate technical and other supporting information, that one or more of the foregoing activity and use restrictions should be modified or terminated.

III.L.4. Other institutional controls:

The Permittee has submitted proposed institutional controls to the Director. The Director will review the submittal in accordance with Part II Condition III.U. Upon approval thereof by EPA, the Permittee shall implement the institutional controls. Other institutional controls in place for the Facility include:

a. Governmental Controls

Reserved

b. Environmental Covenant

Reserved

c. Kansas Environmental Use Controls

Reserved

III.M. CORRECTIVE ACTION MEDIA CLEANUP STANDARDS

Ground water off-site shall meet EPA's Maximum Contaminant Levels (MCLs) for drinking water where they have been promulgated for site contaminants. If a MCL has not been promulgated for a site contaminant, residential criteria for ground water shall be based upon EPA's *Risk Assessment Guide for Superfund* EPA/540/1-89/002.

a. Media cleanup standards are established for Operable Unit 1 and interim media cleanup standards are established for Operable Unit 2 to protect persons who may work at or visit the Facility from hazardous waste and hazardous constituents in the soil and ground water. Table 3 sets out the standards for Operable Unit 1 (on-site soil) and Table 4 sets out the interim standards for Operable Unit 2 (on-site ground water).

Table 3 - On-Site Soil Standards

Chemical	Cleanup Standard (milligrams/ kilogram)
1,1-Dichloroethene	29.48
Tetrachloroethene	1.82
Trichloroethene	0.15
Arsenic	27.27
Chromium(III)	8.15×10^5
Chromium(VI)	64

Table 4 – Interim On-Site Ground Water Standards

Chemical	Cleanup Standard (milligrams/ liter)
Benzene	13.91
Carbon tetrachloride	1.71
Chlorobenzene	366.5
1,2-Dichloroethane	15.41
1,1-Dichloroethene	186.95
cis-1,2-Dichloroethene	169.21

Chemical	Cleanup Standard (milligrams/liter)
trans-1,2-Dichloroethene	175
Methylene chloride	409.03
Tetrachloroethene	8.36
Trichloroethene	0.61
Vinyl chloride	4.68
Barium	425
Cadmium	0.82
Chromium	594.74
Selenium	0.72

b. Final media cleanup standards are established for Operable Unit 2 and Operable Unit 3 to restore the ground water to its maximum beneficial use. To do so, ground water shall meet EPA's Maximum Contaminant Levels (MCLs) for drinking water where they have been promulgated for site contaminants. If a MCL has not been promulgated for a site contaminant, a residential criteria for ground water shall be based upon EPA's *Risk Assessment Guide for Superfund*. Table 5 sets out the final standards for Operable Unit 2 and 3 for contaminants that have been determined to be present. Operable Unit 3 is subject to these standards immediately.

Table 5 – Final Ground Water Standards

Chemical	Cleanup Standard (milligrams/liter)
Benzene	0.005
Carbon tetrachloride	0.005
Chlorobenzene	0.1
Chloroform	0.08
1,2-Dichloroethane	0.005
1,1-Dichloroethene	0.007
cis-1,2-Dichloroethene	0.07
trans-1,2-Dichloroethene	0.1
Methylene chloride	0.005
Tetrachloroethene	0.005
Trichloroethene	0.005
Vinyl chloride	0.002
Barium	2
Cadmium	0.005
Chromium	0.1

Chemical	Cleanup Standard (milligrams/ liter)
Selenium	0.05

III.N. CORRECTIVE MEASURES IMPLEMENTATION

III.N.1. Corrective Measure Implementation Work Plan

Within sixty (60) days of the effective date of Part II, the Permittee shall submit a Corrective Measures Implementation (CMI) Work Plan, Part II Attachment 6, to implement the selected corrective measure(s). The CMI Work Plan shall meet the requirements of Part II Conditions III.N.1.b - III.N.1.h. The Director will review and approve the CMI Work Plan in accordance with the procedures set forth in Part II Condition III.U. The following CMI Work Plan requirements shall be followed if additional CMI is necessary to for new or additional corrective measures.

a. Within sixty (60) days of approval by the Director of a final remedy/corrective measure, the Permittee shall submit a Corrective Measures Implementation (CMI) Work Plan. The CMI Work Plan shall be developed in a manner consistent with the CMI Scope of Work in the RCRA Corrective Action Plan.

b. The CMI Work Plan shall detail the design, construction, operation, maintenance, and monitoring of the selected corrective measure. If the CMI will consider corrective measures that leave contamination on-site at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment. Within ten (10) days of a request by the Director, the Permittee shall provide an editable version of the CMI Work Plan in an electronic format such as Word[®], AutoCAD[®], etc. The CMI Work Plan, at a minimum, shall include the following sections:

- i. Program Management
- ii. Public Involvement
- iii. Design Plans and Specifications
- iv. Institutional Control Plan
- v. Operation and Maintenance

- vi. Monitoring and Recordkeeping Plan
- vii. Cost Estimate
- viii. Project Schedule
- ix. Construction Quality Assurance
- x. Quality Assurance Project Plan
- xi. Data Management
- xii. Periodic Reports

c. Institutional Control (IC) Plan: The Permittee shall provide in the CMI Work Plan a detailed IC plan for the establishment of enforceable and other ICs. The ICs shall be consistent with EPA guidance including but not limited to Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls, at Superfund and RCRA Corrective Action Cleanups and the draft Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups. The CMI Work Plan shall include drafts of all proposed IC documents. The CMI Work Plan shall include a schedule for the implementation of the IC plan. Upon approval of the CMI Work Plan by the Director, the Permittee shall implement the IC plan.

d. Effectiveness and Performance Monitoring Plan: The Permittee shall provide in the CMI Work Plan a detailed plan to conduct long-term monitoring, inspection, maintenance, recordkeeping and reporting to demonstrate and report the effectiveness of the corrective measures and any failures of the corrective measures. The plan shall include inspection, monitoring, maintenance and review of the corrective measures. The Permittee shall determine if any construction, excavation or activity has not been in accordance with the ICs above. The Permittee shall determine whether hazardous waste or constituents are present in the ground water above the established media cleanup standards in Part II Condition III.M Upon approval of the CMI Work Plan by the Director, the Permittee shall implement the long-term monitoring, inspection, maintenance, recordkeeping and reporting to document the effectiveness and performance of the corrective measures and any failures of the corrective measures.

- e. Concurrent with the submission of a CMI Work Plan, the Permittee shall submit to the Director a CMI Health and Safety Plan.
- f. The Director will review and approve the CMI Work Plan in accordance with the procedures set forth in Part II Condition III.U.
- g. Upon approval the CMI Work Plan by the Director, the Permittee shall implement the plan in accordance with the schedule contained therein.
- h. The Permittee shall submit an electronic copy of the work plan in PDF format on a CD-ROM that incorporates all changes and/or revisions required for, or as, a condition of approval.

III.N.2. Corrective Measures Implementation Report

The Permittee shall submit a CMI Report to the Director in accordance with the approved CMI Work Plan schedule. Within ten (10) days of a request by the Director, the Permittee shall provide an editable version of the CMI Report in an electronic format such as Word[®], AutoCAD[®], etc. The report shall be consistent with the RCRA Corrective Action Plan.

III.N.3. Corrective Measures Implementation Annual Report

The Permittee shall submit a report to the Director no later than March 1 of each year of the prior year's effectiveness and performance of the corrective measures above. The annual report shall include documentation of all samples and data collected and their analysis and determinations made from long-term inspection, monitoring and maintenance. The report shall include any deficiencies or violations of ECs or ICs determined from the inspection, maintenance, and monitoring required in Part II Condition III.N. Based upon EPA's review of the report, the Director may require the Permittee to conduct additional investigation, study, and/or work in order to modify an existing corrective measure or to select a new corrective measure or measures. If action is needed to protect human health or the environment from releases or to prevent or minimize the further spread of contamination while long-term remedies are pursued, the Director may require the Permittee to implement Interim Measures pursuant to Part II Condition III.E. Note that the Permittee must still report all instances of non-compliance as required elsewhere by Part II.

III.N.4. Corrective Measures Implementation Five-year Review

- a. The Permittee shall submit a report to the Director every five (5) years that evaluates the corrective measures effectiveness and

performance. The Permittee shall submit the first report to the Director on August 8, 2010. The evaluation shall be consistent with the CERCLA Comprehensive Five-Year Review Guidance. The review shall evaluate and report on:

- i. Annual reports required in Part II Condition III.N.3
 - ii. Effectiveness of corrective measures in protecting human health and the environment as planned in the statement of basis.
 - iii. Effectiveness of ECs and ICs in protecting human health and the environment as planned in the statement of basis.
 - iv. Results of sampling and analysis to determine the effectiveness and performance of the corrective measures.
 - v. Any changed circumstances that render the corrective measure, including ECs and ICs, ineffective.
 - vi. Possible modifications to the corrective measures to provide necessary protection.
 - vii. Any other reporting requirements included in the EPA approved CMI Work Plan.
- b. Within ten (10) days of a request by the Director, the Permittee shall provide an edit able version of the report in an electronic format such as Word[®], AutoCAD[®], etc. The Permittee shall also submit an electronic copy of the report in PDF format on a CD-ROM.
- c. Based upon EPA's review of the report, the Director may require the Permittee to conduct additional investigation, study, and/or work in order to modify an existing corrective measure or to select a new corrective measure or measures. If action is needed to protect human health or the environment from releases or to prevent or minimize the further spread of contamination while long-term remedies are pursued, the Director may require the Permittee to implement Interim Measures pursuant to Part II Condition III.E.

III.N.5. Corrective Measure Completion Report

- a. The Permittee shall submit a Corrective Measures Completion (CMC) Report to the Director within ninety (90) days of the completion of all remedial activities required by Part II Condition III consistent with the RCRA Corrective Action Plan. The purpose of the CMC Report is to

fully document how the corrective measure completion criteria have been satisfied and to justify why the corrective measure and/or monitoring may cease. The CMC Report shall, at a minimum, include the following elements:

- i. Purpose;
 - ii. Synopsis of the corrective measure;
 - iii. Corrective Measure Completion Criteria: Describe the process and criteria for determining when corrective measures, maintenance and monitoring may cease. Corrective measure completion criteria were given in the final Operation and Maintenance (O&M) Plan
 - iv. Demonstration that the completion criteria have been met. Include results of testing and/or monitoring, indicating how operation of the corrective measure compares to the completion criteria;
 - v. Summary of work accomplishments (e.g., performance levels achieved, total treated and/or excavated volumes, nature and volume of wastes generated, etc.);
 - vi. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed;
 - vii. Summary of inspection findings (include copies of key inspection documents in appendices);
 - viii. Summary of total operation and maintenance costs; and
 - ix. Determination of whether ECs and/or ICs are required to continue to be maintained.
- b. The Director will review and approve the CMC Report in accordance with the procedures set forth in Part II Condition III.U.
 - c. The Permittee shall submit an electronic copy of the report in a format and on a media approved by the Director that incorporates all changes and/or revisions required for approval.
 - d. The requirements for ICs and ECs shall be maintained as specified in this Permit and shall not be terminated until the concentration of

hazardous constituents in the soil and ground water are at such levels to allow for unlimited use and unrestricted exposure.

III.O. CHANGE IN PROPERTY USE

To change the property use allowed in this Permit, the Permittee shall submit a request for a permit modification to include a new risk assessment and corrective measures study that addresses potential exposures associated with the proposed facility use. The Director will review the revised risk assessment/CMS Report for approval in accordance with the procedures set forth in Part II Condition III.U. The corrective measure shall be selected in accordance with procedures in Part II Condition III.L. Upon final selection and modification into Part II, the Permittee shall implement the new corrective measure.

III.P. ADDITIONAL WORK

If at any time during implementation of corrective action under this permit the EPA determines that additional work is necessary to accomplish the corrective action required under this permit, EPA will provide written notification to the Permittee of the requirement for additional work to be performed by the Permittee. EPA may determine that certain tasks, including, but not limited to, investigatory work or engineering evaluation are necessary in addition to the tasks and deliverables already required in Part II Condition III. EPA will specify the basis and reasons for its determination that the additional work is necessary and will request submittal of a draft work plan to perform the additional work. Within sixty (60) days of the EPA's request, the Permittee shall submit a draft work plan for EPA review and approval as described in Part II Condition III.U. Upon EPA approval, the Permittee shall perform the additional work according to the EPA-approved work plan and the schedule therein. The completion of the additional work, as specified in this permit condition, shall be documented by the Permittee in accordance with the approved schedule for the additional work.

III.Q. COST ESTIMATE FOR CORRECTIVE ACTION WORK

1. The Permittee shall submit within sixty (60) days of the effective date of Part II a detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform all of the work required by the Permittee under Part II Condition III (hereafter the "Work"). The cost estimate shall be incorporated into Part II as Part II Attachment 7. The Director will review and approve the cost estimate in accordance with the procedures set forth in Part II Condition III.U. The cost estimate shall include long term costs such as operation and maintenance costs and monitoring costs. A third party is a party who (i) is neither a parent nor a subsidiary of Permittee, and (ii) does not share a common parent or subsidiary with Permittee. The cost estimate shall not incorporate any salvage value that may be realized from the sale of wastes, facility structures or equipment, land or other assets associated with the facility.

2. Within 30 days of approval by the Director of any new, additional, or revised work plan or implementing document, or work otherwise required under this Permit, the Permittee shall submit to the Director for review and approval a revised cost estimate of the Work, to include that outlined in the EPA-approved work plan and/or implementing documents. In addition, Permittee shall adjust the estimated cost of the Work if the Director determines that either additional work is required, pursuant to Part II Condition III.P, or if any other condition increases the estimated cost of the Work to be performed under this Permit. The Director will review the revised cost estimate in accordance with Part II Condition III.U. The Director will notify the Permittee in writing of the Director's approval, disapproval, or modification of the cost estimate in accordance with Permit Part II Condition III.U. The Director may waive in writing the requirement for a cost estimate for any document at his/her discretion.

3. Annually, Permittee shall adjust the estimated cost of the Work for inflation. The inflation adjustment shall be determined by using the procedures described in 40 C.F.R. §264.142(b) except that the inflation factor should be derived from the most recent annual Implicit Price Deflator for the Gross Domestic Product instead of the Gross National Product, for the estimated cost of the Work. The annual adjustments are required until the Work required by this Part II Condition III is completed. The Permittee shall annually adjust the estimated cost of the Work for inflation within sixty (60) days prior to the anniversary date of the establishment of the financial instrument(s), or within thirty (30) days after the close of the fiscal year if a financial test or corporate guarantee is used. The cost estimate of all of the work required by the Permittee under Part II Condition III adjusted appropriately and up to date for inflation shall be referred to as the "EPA-approved estimated cost of the Work." The EPA-approved estimated cost of the Work shall be incorporated into Part II as Part II Attachment 1 upon and by its approval by the Director.

4. If the Permittee believes that the estimated cost of the Work remaining to be completed has diminished below the most recent EPA-approved cost estimate, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Condition III.Q.3, or at any other time agreed to by the Director, submit a revised cost estimate of the Work to the Director for review and approval according to procedures set forth in Part II Condition III.U. If EPA decides to accept and approve the revised cost estimate, the Director will notify the Permittee in writing that the financial assurance mechanism may be adjusted according to the new EPA-approved cost estimate of the Work and in accordance with Part II Condition III.R.6.

III.R. Assurances of Financial Responsibility for Completing the Work

In order to secure the full and final completion of the Work in accordance with this Permit, the Permittee shall establish and maintain financial assurance for the benefit of the EPA in the amount of the most recent EPA-approved estimated cost of the Work adjusted for inflation, as required in Part II Condition III.Q.3. The Permittee shall submit documentation of financial assurance within 30 days of approval of the cost estimate required by Part II Condition III.Q.

Any references in this permit condition to the requirements of 40 C.F.R. Part 264, Subpart H shall be construed to require the Permittee to comply with the substantive requirements for each instrument. In addition, rather than imposing requirements to provide cost estimates for closure and post-closure activities these provisions require a demonstration that the Permittee has obtained sufficient financial assurances to complete any work for which cost estimates are required by this permit. Finally, any financial assurance instrument submitted under this Permit shall recite that the instrument is established to ensure completion of any work for which cost estimates are required under this Permit rather than reciting that the instrument is being submitted for closure and post-closure activities.

III.R.1. Financial Assurance Instruments

A Permittee may use one or more of the financial assurance forms generally described in Part II Conditions III.R.1.a - III.R.1.f below. Any and all financial assurance instruments provided pursuant to this Permit shall be satisfactory in form and substance as determined by the Director. The Director may limit the choices of the Permittee, to one or more of the instruments described below.

- a. A trust fund established for the benefit of EPA, administered by a trustee who has the authority to act as a trustee under Federal or State law and whose trust operations are regulated and examined by a Federal or State agency, and that is acceptable in all respects to the EPA. The trust agreement shall provide that the trustee shall make payments from the fund as the Director shall direct in writing (1) to reimburse Permittee from the fund for expenditures made by Permittee for Work performed in accordance with this Part II, or (2) to pay any other person whom the Director determines has performed or will perform the Work in accordance with this Part II of the permit. The trust agreement shall further provide that the trustee shall not refund to the grantor any amounts from the fund unless and until EPA has advised the trustee that the Work under this Part II of the permit has been successfully completed.

b. A surety bond unconditionally guaranteeing performance of the Work in accordance with this Part II of the permit, or guaranteeing payment at the direction of EPA into a standby trust fund that meets the requirements of the trust fund in Part II Condition III.R.1.a. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal Bonds as set forth in Circular 570 of U.S. Department of the Treasury, and acceptable to EPA.

c. An irrevocable letter of credit, payable at the direction of Director, into a standby trust fund that meets the requirements of the trust fund in Part II Condition III.R.1.a. The letter of credit shall be issued by a financial institution (i) that has the authority to issue letters of credit, and (ii) whose letter-of-credit operations are regulated and examined by a Federal or State agency.

d. A policy of insurance that (i) provides EPA with rights as a beneficiary which is acceptable to EPA; and (ii) is issued by an insurance carrier that (a) has the authority to issue insurance policies in the applicable jurisdiction(s), and (b) whose insurance operations are regulated and examined by a Federal or State agency. The insurance policy shall be issued for a face amount at least equal to the most recent EPA-approved estimated cost of Work, except where costs not covered by the insurance policy are covered by another financial assurance instrument, as permitted in Part II Condition III.R.1.i. The policy shall provide that the insurer shall make payments as the Director shall direct in writing (i) to reimburse Permittee for expenditures made by Permittee for Work performed in accordance with this Part II, or (ii) to pay any other person whom the Director determines has performed or will perform the Work in accordance with this Part II, up to an amount equal to the face amount of the policy. The policy shall also provide that it may not be canceled, terminated or non-renewed and the policy shall remain in full force and effect in the event that (i) the Permittee is named as a debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or (ii) EPA notifies the insurer of Permittee's failure to perform, under Part II Condition III.R.5.

e. A corporate guarantee, executed in favor of the EPA by one or more of the following: (i) a direct or indirect parent company, or (ii) a company that has a "substantial business relationship" with Permittee (as defined in 40 C.F.R. §264.141(h)), to perform the Work in accordance with Part II Condition III or to establish a trust fund as permitted by Part II Condition III.R.1.a; provided, however, that any company providing such a guarantee shall demonstrate to the satisfaction of the EPA that it

satisfies the financial test requirements of 40 C.F.R. §264.143(f) with respect to the EPA-approved estimated cost of Work that it proposes to guarantee; or

f. A demonstration by Permittee that Permittee meets the financial test criteria of 40 C.F.R. §264.143(f) with respect to the EPA-approved estimated cost of Work, provided that all other requirements of 40 C.F.R. §264.143(f) are satisfied.

g. The allowance to use the corporate guarantee pursuant to Part II Condition III.R.1.e or the financial test pursuant to Permit Condition III.R.1.f shall be at the sole discretion of the Director and not subject to the dispute resolution under Part II Condition III.V. If a Permittee provides financial assurance by means of a corporate guarantee or financial test, the Director may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time. If the Director determines that the use of the corporate guarantee pursuant to Part II Condition III.R.1.e or the financial test pursuant to Permit Condition III.R.1.f no longer fulfills the financial assurance requirements, the Director shall notify the Permittee of such determination and require a change in the financial assurance instrument pursuant to Part II Condition III.R.3. The Permittee shall submit a revised form of financial assurance within thirty (30) days of such notification by the Director.

h. For the purposes of the financial test guarantees described in Part II Conditions III.R.1.e and III.R.1.f above, references in 40 C.F.R. §264.143(f) to "the sum of current closure and post-closure costs and the current plugging and abandonment cost estimates" shall mean the sum of all environmental obligations including obligations under CERCLA, RCRA, UIC, TSCA, and any other environmental obligation guaranteed by such company as "financial assurance" or for which such company is otherwise financially obligated in addition to the most recent EPA-approved estimated cost of the Work to be performed in accordance with this Permit.

i. If at any time during the effective period of this Permit, a Permittee provides financial assurance for completion of the Work by means of a corporate guarantee or financial test pursuant to Part II Conditions III.R.1.e and III.R.1.f above, the Permittee shall also comply with the other relevant requirements of 40 C.F.R. §264.143(f), 40 C.F.R. §264.151(f), and 40 C.F.R. §264.151(h)(1) relating to these methods, unless otherwise provided in this Permit, including but not limited to, (i) initial submission of required financial reports and statements from the

guarantors' chief financial officer and independent certified public accountant; (ii) annual re-submission of such reports and statements within ninety (90) days after the close of each of the guarantors' fiscal years; and (iii) notification of the Director within ninety (90) days after the close of any of the guarantors' fiscal years in which any such guarantor no longer satisfies the financial test requirements set forth at 40 C.F.R. §264.143(f)(1). If the Permittee provides financial assurance by means of a corporate guarantee or financial test, EPA may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time.

j. If a Permittee seeks to establish financial assurance by using a surety bond, a letter of credit, or a corporate guarantee, the Permittee shall at the same time establish, and thereafter maintain, a standby trust fund, which meets the requirements of Part II Condition III.R.1.a, into which funds from the other financial assurance instrument can be deposited, if the financial assurance provider is directed to do so by the Director, pursuant to Permit Condition III.R.5.

k. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents by certified mail to the Director with a copy to the EPA Project Manager identified in Part II Condition II.G.d.

III.R.2. Use of Multiple Mechanisms

At EPA's sole discretion, the Director may allow a Permittee to combine more than one mechanism to demonstrate financial assurance for the Work to be performed in accordance with this Permit, except that mechanisms guaranteeing performance rather than payment may not be combined with other instruments.

III.R.3. Determination of Inadequacy of Financial Instrument

If, at any time, the Director determines that a financial assurance instrument provided pursuant to Part II is inadequate, or no longer satisfies the requirements set forth or incorporated by reference in Part II, whether due to an increase in the most recent EPA-approved estimated cost of the Work or for any other reason, the Director shall so notify the Permittee in writing. If at any time, a Permittee becomes aware of information indicating that any financial assurance instrument provided pursuant to this Permit is inadequate or no longer satisfies the requirements set forth or incorporated by reference in Part II, whether due to an increase in the estimated cost of the Work or for any other reason, then the Permittee shall notify the Director in writing of such information within ten (10) days. Within thirty (30) days of receipt of notice of the Director's determination, or within thirty (30) days of the

Permittee becoming aware of such information, as the case may be, the Permittee shall obtain and present to the Director for approval, a proposal for a revised or alternative form of financial assurance listed in Part II Condition III.R.1 above that satisfies all requirements set forth or incorporated by reference in Part II. In seeking approval for a revised or alternative form of financial assurance, the Permittee shall follow the procedures set forth in Part II Condition III.R.8 below.

A Permittee's inability or failure to establish or maintain financial assurance for completion of the Work shall in no way excuse performance of any other requirements of Part II, including, without limitation, the obligation of the Permittee to complete the Work in accordance with the terms of Part II.

III.R.4. Instrument Renewal

Any and all financial assurance instruments provided pursuant to Part II Conditions III.R.1.b, III.R.1.c, and III.R.1.d shall be automatically renewed at the time of their expiration unless the financial assurance provider has notified both the Permittee and the EPA Project Manager identified in Part II Condition II.G.d at least one hundred twenty (120) days prior to expiration, cancellation or termination of the instrument of a decision to cancel, terminate or not renew a financial assurance instrument. Under the terms of the financial assurance instrument, the one hundred twenty (120) days will begin to run with the date of receipt of the notice by both the EPA Project Manager identified in Part II Condition II.G.d and the Permittee. Furthermore, if the Permittee has failed to provide alternate financial assurance and obtain the Director's written approval for such alternate financial assurance within ninety (90) days following receipt of such notice by both the Permittee and the EPA Project Manager, then the EPA Project Manager identified in Part II Condition II.G.d will so notify the financial assurance provider in writing prior to the expiration of the instrument, and the financial assurance provider shall immediately deposit into the standby trust fund, or a newly created trust fund approved by the Director, the remaining funds obligated under the financial assurance instrument for the performance of the Work in accordance with Part II Condition III.

III.R.5. Performance Failure

- a. In the event that EPA determines that the Permittee (i) has ceased implementation of any portion of the Work, (ii) is deficient or late in its performance of the Work, or (iii) is implementing the Work in a manner that may cause an endangerment to human health or the environment, EPA may issue a written notice ("Performance Failure Notice") to both the Permittee and the financial assurance provider of the Permittee's failure to perform. The notice issued by EPA will specify the grounds upon which such a notice was issued and will provide the Permittee with

a period of ten (10) days within which to remedy the circumstances giving rise to the issuance of such notice.

b. Failure by the Permittee to remedy the relevant Performance Failure to EPA's satisfaction before the expiration of the ten (10) day notice period specified in Part II Condition III.R.5.a shall trigger EPA's right to have immediate access to and benefit of the financial assurance provided pursuant to Part II Condition III.R. EPA may at any time thereafter direct the financial assurance provider to immediately (i) deposit into the standby trust fund, or a newly created trust fund approved by EPA, the remaining funds obligated under the financial assurance instrument (ii) or arrange for performance of the Work in accordance with Part II Condition III.

c. If EPA has determined that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Condition III.R.5.a have occurred, and if EPA is nevertheless unable after reasonable efforts to secure the payment of funds or performance of the Work in accordance with Part II Condition III from the financial assurance provider pursuant to Part II Condition III, then, upon receiving written notice from EPA, the Permittee shall within ten (10) days thereafter deposit into the standby trust fund, or a newly created trust fund approved by EPA, in immediately available funds and without setoff, counterclaim, or condition of any kind, a cash amount equal to the estimated cost of the remaining Work to be performed in accordance with Part II Condition III as of such date, as determined by EPA.

d. The Permittee may invoke the procedures set forth in Part II Condition III.V, to dispute EPA's determination that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Condition III.R.5.a have occurred. Invoking the dispute resolution provisions shall not excuse, toll or suspend the obligation of the financial assurance provider, under Part II Condition III.R, to fund the trust fund or perform the Work. Furthermore, notwithstanding the Permittee's invocation of such dispute resolution procedures, and during the pendency of any such dispute, EPA may in its sole discretion direct the trustee of such trust fund to make payments from the trust fund to any person that has performed the Work in accordance with Part II Condition III until the earlier of (i) the date that the Permittee remedies, to EPA's satisfaction, the circumstances giving rise to EPA's issuance of the relevant Performance Failure Notice or (ii) the date that a final decision is rendered in accordance with Part II Condition III.V, that the Permittee

has not failed to perform the Work in accordance with Part II Condition III.

III.R.6. Reduction of Amount of Financial Assurance.

Upon receipt by the Permittee of the Director's approval to reduce the estimated cost of the Work as allowed under Part II Condition III.Q.4, the Permittee shall submit a written proposal to the Director to reduce the amount of the financial assurance provided under this Permit so that the amount of the financial assurance is equal to the EPA-approved estimated cost of the Work remaining to be performed. The written proposal shall be subject to review and approval pursuant to Permit Condition III.O. If EPA decides to accept such a proposal, the Director shall notify the Permittee of its decision in writing. After receiving the Director's written decision, the Permittee may reduce the amount of the financial assurance only in accordance with and to the extent permitted by such written decision. In the event of a dispute, the Permittee may reduce the amount of the financial assurance required hereunder only in accordance with the final EPA Dispute Decision, pursuant to Part II Condition III.V, resolving such dispute. No change to the form or terms of any financial assurance provided under this Permit Condition, other than a reduction in amount, is authorized except as provided in Permit Condition III.R.8.

III.R.7. Increase of Amount of Financial Assurance

Whenever the most current EPA-approved estimated cost of the Work exceeds the amount of financial assurances provided pursuant to this Permit, the Permittee shall revise the instrument(s) according to the requirements in this Permit Condition. The Permittee shall notify the Director in writing within fourteen (14) days of determining that the most current EPA-approved estimated cost of the Work exceeds the amount of financial assurances provided. The conditions in this Permit Condition shall apply upon such determination by the Permittee or the Director and shall apply when, but not limited to, the following causes of the estimated cost of the Work to exceed the amount of financial assurances provided: adjustment for inflation; additional costs resulting from a request by the Director for additional work under Part II Condition III.P; EPA approval of a work plan pursuant to Part II; EPA selection of a corrective measures or interim measures; or inadequacy of current financial assurance instrument. Within thirty (30) days following such determination, the Permittee shall obtain and present to the Director for review and approval pursuant to Part II Condition III.U a revised form of financial assurance (and otherwise acceptable under Part II Condition III.R.1) that covers the most current EPA-approved estimated cost of the Work. Within ten (10) days after the Director's approval of the revised financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially

identical to the financial assurance documents reviewed and approved by the Director. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to the Director within thirty (30) days after the Director's approval of the revised financial assurance instruments.

III.R.8. Change of Form of Financial Assurance.

a. If the Permittee desires to change the form or terms of financial assurance, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Condition III.Q.3 or at any other time agreed to by the Director, submit a written proposal to the Director to change the form of financial assurance. The submission of such proposed revised or alternative form of financial assurance shall be as provided in Part II Condition III.R.8.b below. The decision whether to approve a proposal submitted under this Permit Condition shall be made at the Director's sole and un-reviewable discretion and such decision shall not be subject to challenge by the Permittee pursuant to the dispute resolution provisions of this Part II or in any other forum.

b. A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum, the EPA-approved estimated cost of the Work remaining to be performed, the basis upon which such cost was calculated, and the proposed revised form of financial assurance, including all proposed instruments or other documents required in order to make the proposed financial assurance legally binding. The proposed revised or alternative form of financial assurance shall satisfy all requirements set forth or incorporated by reference in Part II. The Director shall notify the Permittee in writing of its decision to accept or reject a revised or alternative form of financial assurance submitted pursuant to this Part II Condition III.R.8. Within ten (10) days after receiving a written decision approving the proposed revised or alternative financial assurance, the Permittee shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the documents submitted to the Director as part of the proposal, and such financial assurance shall be fully effective. The Permittee shall submit all executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding to the Director within thirty (30) days of receiving a written decision approving the proposed revised or alternative financial assurance, with a copy to the EPA Project Manager identified in Part II Condition II.G.d. The Director shall release, cancel or terminate the prior existing financial

assurance instruments only after the Permittee has submitted all original executed and/or otherwise finalized new financial assurance instruments or other required documents to the Director.

III.R.9. Release of Financial Assurance for Corrective Action

The Permittee may submit a written request to the Director that EPA release the Permittee from the requirement to maintain financial assurance under Part II when the Permittee demonstrates in writing and certifies to the satisfaction of the Director that all Work required under this Permit, including any additional work, has been performed to the Director's satisfaction. The Director shall notify both the Permittee and the provider(s) of the financial assurance in writing that the Permittee is released from all financial assurance obligations under Part II. The Permittee shall not release, cancel or terminate any financial assurance provided pursuant to Part II unless written approval for such release, cancellation or termination is received from the Director. In the event of a dispute pursuant to Part II Condition III.V, the Permittee may release, cancel, or terminate the financial assurance required hereunder only in accordance with a final administrative or judicial decision resolving such dispute.

III.S. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

a. The Permittee shall notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Permittee as debtor, within ten (10) days after commencement of the proceeding, in accordance with 40 C.F.R. §264.148. A guarantor or a corporate guarantee as specified in 40 C.F.R. §264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 C.F.R. §264.151(h)). A Permittee who fulfills the requirements of 40 C.F.R. §264.143 or 40 C.F.R. §264.147 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments.

b. Within thirty (30) days after such events described in Part II Condition III.S.a, the Permittee shall submit draft financial assurance instruments and related documents to EPA meeting the requirements of Part II Condition III.R for EPA's review and approval. Within ten (10) days after EPA's approval of both the initial Estimated Cost of the Work, and the draft financial assurance instruments, whichever date is later, Permittee shall execute or otherwise finalize

all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the financial assurance documents reviewed and approved by EPA. Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to EPA within thirty (30) days after EPA's approval of the draft financial assurance instruments.

III.T. QUARTERLY PROGRESS REPORTS

The Director may, upon written request to Permittee, require progress reports for corrective action activities under Part II. The Permittee shall submit quarterly progress reports whenever conducting investigatory, e.g., RFI, and Interim Measures activities or other activity in Part II which requires such reporting to the Director. The Permittee shall submit to the Director a signed Quarterly Progress Report covering all activities within the current reporting period which are conducted pursuant to Part II Condition III. Each Quarterly Progress Report shall be due thirty (30) days after the last day of each calendar quarter. The first quarter for which a Quarterly Progress Report is due is the first quarter in which the Director requires the Permittee to begin corrective action activities pursuant to Part II, including development of Work Plans. These Quarterly Progress Reports shall be submitted until such time that the activities pursuant to the corrective action provisions of Part II are complete as determined by the Director. The Director may change, reduce or discontinue reporting requirements if technical documentation demonstrates the change, reduction or cessation in reporting requirements will not impact operation and monitoring of remedial actions. The Progress Reports shall include the following information for the period being reported:

1. A description of all work completed in that period;
2. Summaries of all findings, including summaries of laboratory data;
3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
4. Deviations from the approved work plan(s), SAPs
5. Projected work for the next period and,
6. Any instances of noncompliance with Part II not otherwise required to be reported pursuant to Part II Condition II.E.17.

III.U. REVIEW AND APPROVAL PROCEDURES

1. After submission of any document, plan, or report required by Part II Condition III, the Director will either approve or disapprove the document, plan, or report in writing.
2. If the Director disapproves the document, plan, or report, the Director will notify the Permittee in writing of the document, plan, or report's deficiencies, indicate required revisions, and specify a due date for submittal of a revised document, plan, or report.
3. If the Director also disapproves the revised document, plan, or report, the Director may modify the document, plan, or report and notify the Permittee of the modifications. The document, plan, or report as modified by the Director is the EPA-approved document, plan, or report, and shall become part of this Permit.
4. If the Director conditionally approves the plan or report with comments, the comments shall be considered incorporated into the plan or report. The conditionally approved report or plan with the comments incorporated shall be an enforceable part of this Permit. At the time Permittee receives the conditional approval, any work required by the conditionally approved plan or report shall commence in accordance with the schedules in the conditionally approved plan or report. Permittee shall also revise the plan or report in accordance with the comments and resubmit within thirty (30) days of Permittee's receipt of conditional approval.
5. If the Director disapproves the plan or report with comments, the Permittee shall revise the plan or report in accordance with the Director's comments within thirty (30) days of receipt of notice of disapproval. The Director will review the resubmitted plan or report in accordance with this section. If approved or conditionally approved with comments upon resubmission, the Permittee shall commence any work required by the plan or report in accordance with the schedules therein.
6. If upon resubmittal of a plan or report, under Part II Conditions III.U.2, III.U.3, III.U.4 or III.U.5, the Director determines at his/her sole discretion that the Permittee has failed to adequately incorporate the Director's comments, such failure shall be considered a violation of Part II. The Director may unilaterally revise the plan or report in accordance with the Director's comments, and the unilaterally modified plan or report shall be considered the approved plan or report. The Permittee shall commence any work required by the unilaterally modified plan or report in accordance with the schedules therein.

7. If the Permittee takes exception to the comments and/or modifications made by the Director, the Permittee shall follow the dispute resolution procedures in Part II Condition III.V.

8. The Permittee shall implement all documents, plans, or reports in accordance with the specifications and schedules contained in the EPA-approved document, plan, or report.

III.V. DISPUTE RESOLUTION

1. If the Permittee disagrees, in whole or in part, with any EPA disapproval, conditional approval with comment, modification, or other decision or directive made by EPA pursuant to Part II Condition III, the Permittee shall notify EPA in writing of its objections and bases for them within ten (10) days of receipt of EPA's disapproval, conditional approval with comment, modification, or other decision or directive. The notice shall set forth specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of Part II, the factual and legal basis for the Permittee's position, and all matters the Permittee considers necessary for EPA's determination. EPA and the Permittee shall then have an additional twenty (20) days from EPA's receipt of the Permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution will be reduced to writing by EPA and shall become part of Part II. If the parties are unable to reach complete agreement within this twenty (20) day period, the matter will be submitted to the Director for resolution. This resolution shall become part of Part II.

2. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to Part II, that is not the subject of dispute, during pendency of the dispute resolution process.

IV. GENERAL FACILITY CONDITIONS

IV.A. REQUIRED NOTICES

IV.A.1. Hazardous Waste Imports

a. The Permittee shall notify the Regional Administrator in writing at least four (4) weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by 40 C.F.R. §264.12(a)(1). Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

- b. The Permittee shall follow the requirements for importers of hazardous waste in 40 C.F.R. Part 262, Subparts F and H, if the Permittee acts as the hazardous waste importer.

IV.A.2. Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate Permits, (one time per waste stream per generator), and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record.

IV.B. GENERAL WASTE ANALYSIS

The Permittee shall obtain analysis of hazardous wastes in accordance with 40 C.F.R. §264.13 and as described in the Waste Analysis Plan, Part II Attachment 2, that ensures the facility's compliance with the requirements of Part II. The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with the Quality Assurance Project Plan developed as part of the Waste Analysis Plan. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in Part II.

IV.C. GENERAL INSPECTION REQUIREMENTS

In accordance with 40 C.F.R. §264.15, the Permittee shall inspect the facility for malfunctions and deterioration, operator errors, discharges, or other condition that may be causing, or may lead to: (1) release of hazardous waste constituents to the environment, or (2) a threat to human health. Inspections shall be conducted to identify problems in time to correct them before they result in a release, or harm to human health or the environment.

1. The Permittee shall follow the Inspection Schedule, Part II Attachment 3, for the inspection of monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes, sump pumps, etc.) that are important to preventing, detecting, or responding to fires, explosions, releases and other environmental or human health hazards. At a minimum, the inspection schedule must provide for weekly inspections of each container storage area looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors; all other operating portions of the facility shall be inspected at

least once each operating day looking for releases and for deterioration of the facility and treatment equipment.

2. The Permittee shall remedy any deterioration or malfunction of equipment or structures discovered by an inspection which ensures that the problem does not lead to an environmental or human health hazard. The Permittee shall take immediate action, including cessation of hazardous waste management activities if necessary, where a hazard is imminent or has already occurred.

3. Records of inspection and replacements or repairs shall be kept in accordance with 40 C.F.R. §264.15(d). At a minimum, the Permittee shall record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

IV.D. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by 40 C.F.R. §264.16 and as described in the Personnel Training Plan, Part II Attachment 4. This training program shall provide that facility personnel successfully complete a program of classroom instruction or on the job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Part II.

1. A person trained in hazardous waste management procedures must direct this program, and must teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their employment positions. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by including instruction on operating procedures, emergency procedures, emergency equipment, and emergency systems, including all of the following, where applicable:

- a. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.
- b. Procedures for inspection, monitoring, and maintenance and repair of equipment and systems to control volatile organic emissions.
- c. Communications or alarm systems.
- d. Response to fires or explosions.
- e. Shutdown of operations.
- f. Use of Standard Operating Procedures.

2. The Permittee shall ensure that facility personnel must successfully complete the program required in this section within six (6) months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of Part II must not work in unsupervised positions until they have completed the training requirements of Part II Condition IV.D.
3. The Permittee must ensure that facility personnel take part in an annual review of the initial training required in this section.
4. The Permittee shall maintain the following documents and records at your facility:
 - a. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - b. A written job description for each position listed under this section. This description must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
 - c. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under this section;
 - d. Records that document that facility personnel have received and completed the training or job experience required under this section.
5. The Permittee shall keep training records on current personnel until your facility closes. The Permittee shall keep training records on former employees for at least three (3) years from the date the employee last worked at your facility. Personnel training records may accompany personnel transferred within your company.

IV.E. RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in Part II, the Permittee shall do the following:

Reserved

IV.F. OPERATING RECORD

The Permittee shall maintain a written operating record at the facility, in accordance with applicable sections in 40 C.F.R. §264.73.

V. CONTAINER STORAGE REQUIREMENTS

V.A. AIR EMISSION REQUIREMENTS

V.A.1.a. Applicable Standards for Containers

The air emission controls required for each container used to manage hazardous waste are provided in Part II Conditions V.A.1.b and V.A.1.c and are summarized in the table below:

Container Size	Air Emissions Control
<0.1 m ³ (26.4 gal)	Closed container
>0.1 m ³ (26.4 gal)	Level 1 Controls

V.A.1.b. Containers with a capacity less than 0.1 m³

The Permittee shall ensure that each container meets the following closed container requirements:

i. Whenever a hazardous waste is in a container with a capacity less than 0.1 m³, the Permittee shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

(1) Opening of a closure device or cover is allowed for the adding of discrete quantities or batches of material intermittently to the container over a period of time. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within fifteen (15) minutes; the person performing the loading operation leaves the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

(2) Opening of a closure device or cover is allowed for the purpose of removing discrete quantities or batches of material from the container. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within fifteen (15) minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first. The Permittee is not

required to close empty containers that meet the conditions to be an empty container as defined in 40 CFR 261.7(b).

(3) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the Permittee shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

V.A.1.c. Containers with a capacity greater than 0.1 m³

The Permittee shall ensure that each container with a capacity greater than 0.1 m³ meets the following container Level 1 requirements:

- i. The container meets the applicable requirements specified in 49 CFR Part 178—Specifications for Packaging.
- ii. Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR Part 107, Subpart B—Exemptions; 49 CFR Part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR Part 173—Shippers—General Requirements for Shipments and Packages; and 49 CFR Part 180—Continuing Qualification and Maintenance of Packaging's. For the purpose of complying with this section, no exceptions to the 49 CFR Part 178 or Part 179 regulations are allowed, except for a lab pack that is managed in accordance with the requirements of 49 CFR Part 178 the Permittee may comply with the exceptions for combination packaging's specified in 49 CFR 173.12(b).
- iii. Alternative to paragraphs (i) and (ii) of this section, a container shall be equipped with a cover and closure devices that form a continuous barrier over the container openings such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum) or may be an integral part of the container structural design (e.g., a container equipped with a screw-type cap).
- iv. Whenever a hazardous waste is in a container with a capacity greater than 0.1 m³, the Permittee shall install all covers and closure devices for the

container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

- (1) Opening of a closure device or cover is allowed for the adding of discrete quantities or batches of material intermittently to the container over a period of time. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within fifteen (15) minutes; the person performing the loading operation leaves the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
- (2) Opening of a closure device or cover is allowed for the purpose of removing discrete quantities or batches of material from the container. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within fifteen (15) minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first. The Permittee is not required to close empty containers that meet the conditions to be an empty container as defined in 40 CFR 261.7(b).
- (3) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the Permittee shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

V.A.1.d. Containers with a capacity greater than 0.46 m³

The Permittee is prohibited from storing hazardous waste where the vapor pressure of one or more of the organic components in the hazardous waste is greater than 0.3 kilopascals at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kilopascals at 20°C is equal to or greater than 20 percent by weight and the hazardous waste is a liquid at operating conditions in containers with a capacity greater than 0.46 m³.

V.A.1.e. Inspection and Monitoring Requirements

The Permittee shall inspect each container to determine if such container is in compliance with the requirements in Part II Conditions V.A.1.b and V.A.1.c.. The Permittee shall take the following actions:

- i. The Permittee shall inspect each container within twenty-four (24) hours after the container is accepted at the facility to determine if such container is in compliance with the requirements in Part II Conditions V.A.1.b and V.A.1.c. The Permittee shall complete this inspection as part of the facility waste receiving procedures.
- ii. The Permittee shall inspect each container once each subsequent month the container continues to contain hazardous waste.
- iii. Containers with a capacity less than 0.1 m^3 which are not closed shall be closed, transferred to another container and closed; over packed into another container and closed; or treated in the incinerator within twenty-four (24) hours.
- iv. The Permittee shall inspect each container with a capacity less than 0.1 m^3 within twenty-four (24) hours after first placing waste into a waste container at the facility and once each subsequent month the container continues to contain hazardous waste. Any such container which is found to be not closed shall be closed; transferred to another container and closed; over packed into another container and closed; or treated in the incinerator within twenty-four (24) hours.
- v. Level 1 Containers with a capacity greater than 0.1 m^3 which are not closed shall be closed; transferred to another DOT container and closed; over packed in a DOT container and closed; or treated in the incinerator within twenty-four (24) hours.
- vi. The Permittee shall inspect each Level 1 container within twenty-four (24) hours after first placing waste into a Level 1 waste container at the facility and once each subsequent month the container continues to contain hazardous waste. Any such container which is found to be not closed shall be closed, transferred to another closed container, over packed into another container and closed; or treated in the incinerator within twenty-four (24) hours.

V.A.1.f. Recordkeeping Requirements

- i. The Permittee shall place a record of each inspection required by or performed according to Part II Condition V.A.1.e in the Operating Record. A record of inspection shall include the following information:

- (1) Date inspection was conducted.
- (2) For each defect detected during the inspection: The location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of 40 CFR 264.1084, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

V.A.1.g. Reporting Requirements

The Permittee shall submit a semi-annual report to the Director that describes each occurrence during the previous 6 month period when a container is operated for twenty-four (24) hours or longer in non-compliance with the requirements of Part II Conditions V.A.1.b and V.A.1.c. The written report shall include the facility's EPA identification number, facility name and address, and an explanation of why the required controls were not in place for a period longer than twenty-four (24) hours and the actions taken to correct the non-compliance. The report shall be dated and signed as required by Part II Condition II.F.

VI. LAND DISPOSAL RESTRICTIONS

1. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 C.F.R. Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II, as these requirements are self-implementing provisions of HSWA.
2. If allowed in Part I and only as allowed in Part I, the Permittee may store wastes to which the land disposal restriction applies for up to one year unless EPA can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as provided in 40 C.F.R. §268.50(b). For storage of hazardous waste to which the land disposal prohibition applies beyond one year, however, the Permittee shall bear the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal as provided in 40 C.F.R. §268.50(c).

VII. SUMMARY OF SUBMITTALS

The following is a summary table and does not modify or change the requirements of any Part II Condition.

Part II Condition	Triggering Event	Submittal	Due Date
II.C.6.a Appeal of Part II	Final Part II decision	Written Appeal	Within 30 days of
II.E.2 Duty to Reapply	Permit Expiration	Permit Application	At least 180 days prior to
II.E.7 Duty to Provide Information	Request	Requested Information	Within 30 days of
II.E.10 Reporting Planned Changes	Date of Planned Change	Written Report	At least 30 days advance of
II.E.11.a Reporting Anticipated Noncompliance	Date of Planned Change	Written Report	At least 30 days advance of
II.E.14 Reports of Compliance Schedules	Compliance Schedule Date	Written Report	No later than 14 days following
II.E.15.a Transfer of Part II	Anticipated Date of Transfer	Written Certification	At least 90 days prior to
II.E.15.d Transfer of Part II	Scheduled Change in Ownership	Permit Application	At least 90 days prior to
II.E.15.e Transfer of Part II	Date of transfer	Financial Assurance Documentation	Within 6 months
II.E.15.f Transfer of Part II	Date of transfer	Financial Assurance Documentation	Within 6 months
II.E.15.g Transfer of Part II	Date of transfer	Permit Application	At least 90 days prior to

Part II Condition	Triggering Event	Submittal	Due Date
II.E.15.g Transfer of Part II	Date of transfer	Written Agreement	At least 90 days prior to
II.E.15.g Transfer of Part II	Date of transfer	Financial Assurance Documentation	Within 6 months
II.E.15.g Transfer of Part II	Date of transfer	Financial Assurance Documentation	Within 6 months
II.E.16.a Twenty-four Hour Reporting	Each occurrence	Oral Report	Within 24 hours of
II.E.16.c Twenty-four Hour Reporting	Each occurrence	Written Notice	Within 5 days of
II.E.16.c Twenty-four Hour Reporting	Each occurrence	Written Report	Within 15 days of (requires EPA waiver)
II.E.17.a Other Noncompliance	Each occurrence	Written Report	Within 30 days of
II.E.19 Other Information	Discovery of Omission/Facts	Written Report	Within 7 days of
III.C.1 Notification Requirements for Newly-Identified SWMUs, AOCs and Releases	Discovery of Release	Written Notice/Report	Within 15 days of
III.D.1 Assessment of Newly-Identified SWMUs, AOCs and Releases	Discovery of SWMU, AOC or Release	Work Plan	Within 60 days of
III.D.1.h Assessment of Newly-Identified SWMUs, AOCs and Releases	Start of Activity	Written Notice	At least 30 days prior to

Part II Condition	Triggering Event	Submittal	Due Date
III.E.2 Interim Measures and Stabilization	Discovery of Situation	Written Notice	Within 24 hours of
III.E.4 Interim Measures and Stabilization	Determination that threat is not controlled, abated or effective	Written Notice	Within 10 days of
III.F.2 RFI Work Plan	Request	Work Plan	Within 90 days of
III.G.1 RFI Work Plan Implementation	Start of Activity	Written Notice	At least 30 days prior to
III.I.2 CMS Work Plan	Notice	Work Plan	Within 60 days of
III.I.4.o CMS Work Plan	Start of Activity	Written Notice	At least 30 days prior to
III.J.1 CMS Work Plan Implementation	Start of Activity	Written Notice	At least 30 days prior to
III.N.1 CMI Work Plan	Approval of Corrective Measure	Work Plan	Within 60 days of
III.N.1.b CMI Work Plan	Request	Electronic Work Plan file	Within 10 days of
III.N.2 CMI Report	Request	Electronic Work Plan file	Within 10 days of
III.N.4.b CMI 5-Year Review	Every 5 years of corrective measures decision	Written Report	August 8, 2010 and every 5 years thereafter
III.N.4.b CMI 5-Year Review	Request	Electronic Work Plan file	Within 10 days of
III.N.5.a CMI Report	Completion of Remedial Activities	Written Report	Within 90 days of

Part II Condition	Triggering Event	Submittal	Due Date
III.P Additional Work	Request	Work Plan	Within 60 days of
III.Q.1 Cost Estimate for Corrective Action Work	Effective Date of Permit	Written Cost Estimate	Within 60 days of
III.Q.2 Cost Estimate for Corrective Action Work	Work Plan approval	Written Cost Estimate	Within 30 days of
III.Q.3 Cost Estimate for Corrective Action Work	Anniversary of Cost Estimate Approval	Written Cost Estimate	Within 30 days of
III.R Financial Assurance Instruments	Approval of Cost Estimate for Corrective Action Work	Financial Assurance Documents	Within 30 days of
III.R.1.g Financial Assurance Instruments	Notice from Director	Financial Assurance Documents	Within 30 days of
III.R.1.g Financial Assurance Instruments	Close of guarantor's fiscal year	Financial Assurance Documents	Within 90 days of
III.R.1.g Financial Assurance Instruments	Close of guarantor's fiscal year	Notice of guarantor's financial condition	Within 90 days of
III.R.4 Instrument Renewal	Expiration, cancellation or termination of financial instrument	Written notice of cancellation, termination or non-renewal of financial instrument	At least 120 days prior to

Part II Condition	Triggering Event	Submittal	Due Date
III.R.4 Instrument Renewal	Expiration, cancellation or termination of financial instrument	New Financial Assurance Documents	Within 30 days of written notice of cancellation, termination or non-renewal of financial instrument (see also III.R.3)
III.R.7 Increase in Amount of Financial Assurance	Determination that cost estimate exceeds financial assurance	Written Notice	Within 14 days of
III.R.7 Increase in Amount of Financial Assurance	Determination that cost estimate exceeds financial assurance	Financial Assurance Documents	Within 30 days of
III.R.7 Increase in Amount of Financial Assurance	Approval	Executed Financial Assurance Documents	Within 30 days of
III.R.8.b Change in Form of Financial Assurance	Approval	Executed Financial Assurance Documents	Within 30 days of
III.S.b Incapacity of Owners or Operators, Guarantors or Financial Institutions	Commencement of Proceeding	Written Notice	Within 10 days of
III.S.b Incapacity of Owners or Operators, Guarantors or Financial Institutions	Commencement of Proceeding	Draft Financial Assurance Documents	Within 30 days of
III.S.b Incapacity of Owners or Operators, Guarantors or Financial Institutions	Approval	Executed Financial Assurance Documents	Within 30 days of
III.T Quarterly Progress Reports	End of calendar quarter	Report	Within 30 days of

Part II Condition	Triggering Event	Submittal	Due Date
III.V.1 Dispute Resolution	EPA decision	Notice of Dispute	Within 10 days
IV.A.1.a Hazardous Waste Imports	Date of Expected Receipt	Notice	At least 4 weeks prior to

HANDLER INFORMATION REPORT

November 6, 2013

PROCEDURES for Inspectors performing Site Visits

If the facility wants to make a change, they must complete a Notification of Regulated Waste Activity form and send it to KDHE-BWM, 1000 SW Jackson, Ste 320, Topeka, KS 66612-1366. The form can be found at <http://www.kdheks.gov/waste/forms/hazwaste/gen500-notifyofregactivity-hwgen.pdf>

If during the course of the site visit, the inspector/investigator becomes aware of any changes which should be made to the information printed on this form, please make the corrections and return the form to: Beth Koesterer, AWMD/WEMM.

EPA RCRA ID Number: KSD981506025

Name of Company/Site: CLEAN HARBORS PPM LLC
Location of Site: 2474 N HWY 169
INDUSTRIAL PARK
COFFEYVILLE, KS 67337
MONTGOMERY County
01 State District

Land Type: Private

NAICS: 562219 - OTHER NONHAZARDOUS WASTE TREATMENT AND DISPOSAL
562211 - HAZARDOUS WASTE TREATMENT AND DISPOSAL

Mailing Address: 2474 N HWY 169
INDUSTRIAL PARK
COFFEYVILLE, KS 67337

Site Contact: RICHARD L BEVANS, JR
Job Title: FACILITY GENERAL MGR
Address: 2474 N HWY 169
INDUSTRIAL PARK
COFFEYVILLE, KS 67337
Email: BEVANS.RICHARD@CLEANHARBORS.COM
Phone Number: (620)251-6380

Current Owner of Site: CLEAN HARBORS COFFEYVILLE LLC
Phone Number: (620)251-6380
Owner Type: Private

Current Operator of Site: CLEAN HARBORS COFFEYVILLE LLC
Phone Number: (620)251-6380
Operator Type: Private

TYPE(S) OF REGULATED ACTIVITY: Federal Large Quantity Generator
State LQG (Large Quantity Generator)
Haz Waste Treater, Storer, Disposer, per EPA
Haz Waste Treater, Storer, Disposer, per site
1st Claimer that Used Oil meets Specification
2010 LQG HAZWASTE REPORT FEES PAID
2011 LQG BIENNIAL REPORT FEES PAID
2012 LQG HAZWASTE REPORT FEES PAID

Hazardous Wastes Handled:	D001	D002	D003	D004	D005	D006	D007
	D008	D009	D010	D011	D019	D022	F003
	P092	U135	U151				

I 03/01/10 1+ 1st N 02/04/00 N 02/27/13 1+

Certified by Notification on 02/27/13 by JAMES C CHILDRESS, VP CORP ENV COMPL, 02/25/13

Date of Site Visit:

March 4-5, 2014

Name of Inspector (Please print):

Michael S. Martin

(Check one): ☒ EPA R7 ENSV ☐ EPA R7 Contractor ☐ NOWCC/SEE Investigator

Signature of Inspector:

Michael S. Martin

ATTACHMENT 7 Page 1 of 1

Attachment 8 - 2013 Biennial Report
Total of 49 pages

KDHE-BWM
2013 Hazardous Waste Report



MF
FORM

EPA ID: KSD981506025
Name: CLEAN HARBORS PPM LLC
Address: 2474 N HWY 169 INDUSTRIAL PARK
COFFEYVILLE, KS 67337

LQG MONITORING FEE INVOICE

WHO MUST COMPLETE THIS FORM? Every "LQG Generator" must complete this form.

INSTRUCTIONS: Kansas Administrative Regulation 28-31-10(d)(1) requires that hazardous waste generators of regulated quantities pay an annual monitoring fee for the total quantity of hazardous waste generated during each calendar year. This form must be submitted before March 1, 2014. Please return this form along with a check made payable to the: "Hazardous Waste Management Fund-KDHE" for the quantity of waste subject to the monitoring fee.

EXEMPTION: Hazardous wastes which are reclaimed onsite to recover substantial amounts of either energy or materials are exempt. However, monitoring fees shall be paid on any hazardous waste residues produced during reclamation.

IMPORTANT: Please see additional instruction in Section B.

FEE CALCULATIONS

All quantities must be calculated in tons (1 ton = 2,000 pounds). If the density of the liquid is unknown, use a conversion factor of 1 gallon = 8 pounds.

A. Enter the total quantity of hazardous waste generated in 2013. 52 Tons

B. Enter the total quantity of hazardous waste generated in 2013 for which you can claim an exemption. 0 Tons

Please attach an explanation on why this waste meets the exemption.

C. Total quantity of hazardous waste generated in 2013 which is subject to monitoring fee. Subtract (B) amount from (A) amount to get (C). Use this figure to determine the fee payment below.

52 Total Tons

FEE PAYMENT

Use the figure from C (above) to determine the monitoring fee payment for the hazardous waste generated in 2013.

A.	<u>Total Quantity Generated in 2013</u>	<u>Amount</u>
	Less than or equal to 5 tons-----	\$300
	Greater than 5 tons but less than or equal to 50 tons-----	\$900
	Greater than 50 tons but less than or equal to 500 tons-----	\$2,800
	Greater than 500 tons-----	\$8,000

TOTAL MONITORING FEE ENCLOSED (according to the above table)

\$ 2800.00

**ATTACH COPIES OF ALL MANIFESTS FOR
HAZARDOUS WASTE SHIPMENTS IN 2013**



UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number KSD981506025		2. Page 1 of 3		3. Emergency Response Phone (800)483-3718		4. Manifest Tracking Number 006529164 FLE	
5. Generator's Name and Mailing Address Clean Harbors PPM LLC 2474 Highway 169 North Industrial Park Coffeyville, KS 67337						Generator's Site Address (if different than mailing address) SAME			
Generator's Phone: (620) 261-8380									
6. Transporter 1 Company Name Clean Harbors Environmental Services Inc						U.S. EPA ID Number MA0038322250			
7. Transporter 2 Company Name Basin						U.S. EPA ID Number OK0000013685			
8. Designated Facility Name and Site Address Clean Harbors Deer Park, LLC 2027 Independence Parkway South La Porte, TX 77571						U.S. EPA ID Number TXD065141378			
Facility's Phone: (281) 930-2300									

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes		
		No.	Type			D001	D002	
X	1. UN2924, WASTE FLAMMABLE LIQUIDS, CORROSIVE, N.O.S., (HEXANE, SULFURIC ACID, PCB), 3, (8), PG II	001	DF	00097	K	D001	D002	
						OUTS001H		
X	2. RO, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG II (PCB)	001	CM	00024	K			OUTS3011
X	3. RO, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB)	001	DF	00007	K			OUTS3011
X	4. RO, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB), PCB CAPACITORS	001	CF	00012	K			OUTS4871

14. Special Handling Instructions and Additional Information:
 1. ICHSI-INTER ERG#132 1X55
 2. CHBI-INTER ERG#171
 3. CHBI-INTER ERG#171 1X5
 4. CHCI-INTER ERG#171 1X20

15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent.
 I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.

Generator's/Officer's Printed/Typed Name: **MaryAnn Vest** Signature: *MaryAnn Vest* Month: **12** Day: **18** Year: **13**

16. International Shipments: ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit: Date leaving U.S.: **12/18/13**

17. Transporter Acknowledgment of Receipt of Materials:
 Transporter 1 Printed/Typed Name: **Randy Knight** Signature: *Randy Knight* Month: **12** Day: **18** Year: **13**
 Transporter 2 Printed/Typed Name: Signature: Month: Day: Year:

18. Discrepancy
 18a. Discrepancy Indication Space: ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
 Manifest Reference Number: U.S. EPA ID Number: **12/18/13**

18b. Alternate Facility (or Generator): U.S. EPA ID Number: **12/18/13**

Facility's Phone: 18c. Signature of Alternate Facility (or Generator): Month: Day: Year:

19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)
 1. **H040** 2. **H040** 3. **H040** 4. **H040**

20. Designated Facility Owner or Operator Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a
 Printed/Typed Name: **Kevin Starker** Signature: *Kevin Starker* Month: **12** Day: **19** Year: **13**

UNIFORM HAZARDOUS WASTE MANIFEST
(Continuation Sheet)

21. Generator ID Number

KSD981506025

22. Page

2 of 3

23. Manifest Tracking Number

006529164FLE

24. Generator's Name

Clean Harbors PPM LLC

25. Transporter Company Name

U.S. EPA ID Number

26. Transporter Company Name

U.S. EPA ID Number

27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers		29. Total Quantity	30. Unit WL/Vol.	31. Waste Codes	
		No.	Type				
X	5. RQ, UN2315, WASTE POLYCHLORINATED BIPHENYLS, LIQUID, (.), 9, PG III (PCB)	001	DF	00078	K		OUTS3011
X	6. RQ, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB)	001	DM	00243	K		OUTS3011
X	7. RQ, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB)	010	DM	01579	K		OUTS3011
X	8. RQ, UN2315, WASTE POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB)	019	DM	02010	K		OUTS3011
X	9. RQ, UN2315, WASTE POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB)	002	DM	00233	K		OUTS2191
X	10. RQ, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB), PCB CAPACITORS	005	CM	01052	K		OUTS4971
X	11. RQ, UN2315, POLYCHLORINATED BIPHENYLS, LIQUID, 9, PG III (PCB)	004	CM	00784	K		OUTS3011
X	12. RQ, UN2315, WASTE POLYCHLORINATED BIPHENYLS, LIQUID, (.), 9, PG III (PCB)	001	CM	00277	K		OUTS3011
	13. NON DOT REGULATED	001	DF	00067	K		OUTS3191
	14. NON DOT REGULATED	001	CF	00184	K		OUTS3191

32. Other Hazardous Waste Instructions or Additional Information

6. CHBI-INTER ERG#171 1X55

7. CHSI-INTER ERG#171 10X55

8. CHSI-WET ERG#171 1X95, 16X55, 2X5

9. DH3-INTER

10. CHCI-INTER

11. CHSI-INTER

12. CHSI-WET

ERG#171 2X55

ERG#171

ERG#171

ERG#171

13. D80I-INTER

14. D80I-INTER

1X15

1X55

33. Transporter Acknowledgment of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

34. Transporter Acknowledgment of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

35. Discrepancy

36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, storage, and recycling systems)

5. H040

6. H040

7. H040

8. H040

9. H040

10. H040

11. H040

12. H040

13. H040

14. H040

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

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Please print or type. (Form designed for use on 12-pitch typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		2. Page 1 of 3	4. Manifest Tracking Number 006529152 FLE		
5. Generator Name and Site Address Clean Harbors Deer Park, LLC 2474 Independence Parkway South Deer Park, TX 77607 Generator's Site Address (if different than mailing address) SAME					
6. Generator's Phone (281) 231-6380			U.S. EPA ID Number MAD038322250		
7. Transporter 1 Company Name Clean Harbors			U.S. EPA ID Number UPD063432257		
8. Designated Facility Name and Site Address Clean Harbors Deer Park, LLC 2474 Independence Parkway South Deer Park, TX 77607 Facility's Phone (281) 231-6380			U.S. EPA ID Number TXD065141378		
9a. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt/Vol	13. Waste Codes
	No.	Type			
	X	001 DM	00015	K	P008 005 219 H OUTSIDE - CB
	X	001 DF	00007	K	D001 D002 OUTSIDE
	X	000 DF	00007	K	005 4091 ED OUTSIDE
X	004 DM	00219	K	005 4091 EB OUTSIDE	
14. Special Handling Instructions and Additional Information 00473					
15. GENERATOR/OWNER'S CERTIFICATION: I hereby declare that the contents of this manifest are fully and accurately described above by the proper shipping name, and are classified, packaged, sealed and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this manifest conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (a) (if I am a small quantity generator) is true.					
Generator's Name and Printed Name Kathy Argent					
Signature Kathy Argent					
Month Day Year 11 25 13					
16. International Shipments: <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Part of shipment: _____ Date leaving U.S.: _____					
17. Transporter Acknowledgment of Receipt of Materials					
Transporter 1 Printed Name Rick Hunter			Signature Rick Hunter		
Transporter 2 Printed Name Shela Alexander			Signature SMA		
Month Day Year 11 25 13			Month Day Year 11 26 13		
18. Discrepancy					
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection					
P. Bobbie Harms Lines 1, 3, 4 & 5 TWCH's Change & Waste Removed 126-15					
18b. Alternate Facility (for Generator) U.S. EPA ID Number					
Facility's Phone: _____					
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)					
1. H040		2. H040		3. H040	
4. H040					
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest receipt as noted in Item 18b.					
Printed Name TERI STOEPRER			Signature Teri Stoeprer		
Month Day Year 11 26 13			Month Day Year 11 26 13		

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

Clean Harbors has the appropriate permits for and will accept the waste the generator is shipping.

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number KSD081506025		22. Page 3 of 3		23. Manifest Tracking Number 000529153FLE	
24. Generator's Name Clean Harbors FPM LLC							
25. Transporter Company Name						U.S. EPA ID Number	
26. Transporter Company Name						U.S. EPA ID Number	
GENERATOR	27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers No. Type		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes
	X	8. RQ. UN2818, WASTE POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB) ES	001	CM	00016	K	OUTS 10011 ETS OUTS400H
	X	8. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB), PCB CAPACITORS	001	DF	00005	K	OUTS4071
	X	7. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB)	002	DM	00183	K	OUTS0011
	X	8. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB), PCB CAPACITORS	005	DM	00009	K	OUTS4071
	X	9. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB)	007	DM	01203	K	OUTS0011
	X	10. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB)	001	DM	00073	K	OUTS2101
	X	11. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB)	003	CF	00011	K	OUTS0011
	X	12. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB), PCB CAPACITORS	005	CM	00187	K	OUTS4071
	X	13. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB)	002	CM	00167	K	OUTS0011
X	14. RQ. UN2818, POLYCHLORINATED BIPHENYLS, LIQUID, 9. PG III (PCB), PCB CAPACITORS	002	CW	01817	K	OUTS4071	
32. Special Handling Instructions and Additional Information 5. CERI-INTX ERG4171 6. CERI-INTX ERG4171 1X5 7. CERI-INTX ERG4171 2X55 8. CERI-INTX ERG4171 1X55, 4X55 9. CERI-INTX ERG4171 7X55 10. DES-TSCA ERG4171 1X55 11. CERI-INTX ERG4171 3X55 12. CERI-INTX ERG4171 13. CERI-INTX ERG4171 14. CERI-INTX ERG4171 2X55							
TRANSPORTER	33. Transporter Acknowledgment of Receipt of Materials Printed/Typed Name				Signature		
	34. Transporter Acknowledgment of Receipt of Materials Printed/Typed Name				Signature		
DESIGNATED FACILITY	35. Discrepancy						
	36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
5. H040		6. H040		7. H040		8. H040	
10. H040		11. H040		12. H040		13. H040	
						14. H040	

